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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह जलन संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

राष्ट्रपति सचिवालय

नई दिल्ली, 5 अक्टूबर, 2001

अपने क्षेत्राधिकार की स्थानीय सीमाओं में प्रदत्त शक्तियों
का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

का.आ. 2696.—केन्द्रीय सरकार, सरकारी स्थान
(अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971
तथा तब के भारत के आवास एवं निर्माण मंत्रालय की अधि-
सूचना सं. का.आ. 720 दिनांक 10 मार्च, 1973 के अधिक्रमण
में धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,
नीचे सारणी के स्तम्भ (1) में उल्लिखित अधिकारी को,
जो सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के
प्रयोजन के लिए संपदा अधिकारी नियुक्त करती है। यह
अधिकारी उक्त सारणी के स्तम्भ (2) में तत्स्थानी प्रविष्टि
में विनिर्दिष्ट सरकारी स्थानों के प्रवर्गों के संबंध में उक्त
अधिनियम के द्वारा या उसके अधीन संपदा अधिकारियों को

अधिकारी पदनाम	सरकारी स्थानों के प्रवर्ग; एवं क्षेत्राधिकार की स्थानीय सीमाएँ
(1)	(2)
श्री बी. आर. अंगारिया अवर सचिव (समन्वय) राष्ट्रपति सचिवालय	स्थानों में नई दिल्ली, फिमला (हि. प्र.) देहरादून (उ.प्र.) एवं बोलाराम, सिकंदराबाद (आ.प्र.) समाविष्ट है

[फाईल सं. डी. 11020/1/90—ई.बी. ए.]

शिव कुमार अग्रवाल, निदेशक

PRESIDENT'S SECRETARIAT

New Delhi, the 5th October, 2001

S.O. 2696.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and in supersession of the then Government of India in the Ministry of Works and Housing Notification No. S.O. 720 dated the 10th March, 1973, the Central Government hereby appoints the officer mentioned in column (1) of the table below being a gazetted officer of the Government to be Estate Officer for the purposes of the said Act who shall exercise the powers conferred and perform the duties imposed on Estate Officer by or under the said Act within local limits of his respective jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said table.

TABLE

Designation of the Officer	Categories of Public Premises & local limits of jurisdiction
(1)	(2)
Shri B. R. Angaria, Under Secretary (Coord.), President's Secretariat.	Premises comprising the President's Estate in New Delhi, Shimla, (Himachal Pradesh), Dehradun (Uttar Pradesh) and Bolarum, Secunderabad (Andhra Pradesh).
[File No. D-11020/1/90-EBA] S. K. AGGARWAL, Director	

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 24 सितम्बर, 2001

का.प्रा. 2697.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10ख की उपधारा (1) और (2) के उपबन्ध बनारस स्टेट बैंक लि. पर 27 अगस्त, 2001 से 26 नवम्बर, 2001 तक की तीन महीने की अवधि के लिये या बैंक के नियमित अध्यक्ष और मुख्य कार्यपालक अधिकारी के नियुक्त होने तक, जो भी पहले हो, लागू नहीं होंगे।

[सं. 13/5/2001-बी.प्रो.ए. (i)]

डी. चौधरी, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 24th September, 2001

S. O. 2697.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on recommendations of the Reserve Bank of India, hereby declare that the provisions of Sub-section (1) and (2) of Section 10B of the said Act, shall not apply to the Benares State Bank Ltd. for a period of three months from 27 August 2001 to 26 November 2001 or till the appointment of a regular Chairman and Chief Executive Officer for that bank, whichever is earlier.

[F. No. 13/5/2001-BOA (i)]

D. CHOUDHURY, Under Secy.

नई दिल्ली, 24 सितम्बर, 2001

का.प्रा. 2698.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिशों पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10ख की उपधारा (9) के उपबन्ध बनारस स्टेट बैंक लिमिटेड पर दिनांक 27 अगस्त, 2001 से 26 नवम्बर, 2001 तक अथवा उक्त बैंक के लिये अध्यक्ष एवं मुख्य कार्यपालक अधिकारी की नियमित नियुक्ति होने तक, जो भी पहले हो, उस सीमा तक जहां तक बैंक पर अध्यक्ष एवं मुख्य कार्यपालक अधिकारी की ड्यूटी निर्वाह करने के लिये एक व्यक्ति की चार माह से अधिक अवधि के लिये नियुक्ति करने पर रोक लगाने का सम्बन्ध है, लागू नहीं होंगे।

[सं. 13/5/2001-बी.प्रो.ए. (ii)]

डी. चौधरी, अवर सचिव

New Delhi, the 24th September, 2001

S. O. 2698.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on recommendations of the Reserve Bank of India, hereby declare that the provisions of Sub-section (9) of Section 10B of the said Act, shall not, to the extent they preclude the bank from appointing a person to carry out the duties of the Chairman and Chief Executive Officer beyond a period exceeding four months, apply to the Benares State Bank Ltd., from 27 August 2001 to 26 November 2001 or till the appointment of a regular Chairman and Chief Executive Officer for that bank, whichever is earlier.

[F. No. 13/5/2001-BOA (ii)]

D. CHOUDHURY, Under Secy.

भारी उद्योग एवं लोक उद्यम मंत्रालय

(भारी उद्योग विभाग)

नई दिल्ली, 18 सितम्बर, 2001

का.आ. 2699:— केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम-10 के उप-नियम (4) के अनुसरण में, टायर कार्पोरेशन ऑफ इंडिया लि. के अधीन निम्नलिखित कार्यालयों को, जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्य-साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. टायर कार्पोरेशन ऑफ इंडिया लि.
मर्केंटाइल बिल्डिंग,
40/101, हॉस्पिटल रोड परेड,
कानपुर-208 001
उत्तर प्रदेश
2. टायर कार्पोरेशन ऑफ इंडिया लिमिटेड,
4850/24, अंसारी रोड, दरियागंज,
नई दिल्ली-110 002
3. टायर कार्पोरेशन ऑफ इंडिया लिमिटेड
राम निवास, खानपुर रोड,
पोस्ट बॉक्स नं. 107,
अहमदाबाद-380 001.

[सं. ई-11012/1/2001-हिन्दी]

गोपाल सिंह, अवर सचिव

MINISTRY OF HEAVY INDUSTRY AND
PUBLIC ENTERPRISES

(Department of Heavy Industry)

New Delhi, the 18th September, 2001

S.O.2699.— In pursuance of sub-rule (4) of rule 10 of the Official Language (Use for official purposes of the union) Rules, 1976, the Central Government hereby notifies the following Offices/Units of the Tyre Corporation of India Ltd., the staff exceeding 80% where of have acquired the working knowledge of Hindi —

1. Tyre Corporation of India Ltd.,
Mercantile Building,
40/101, Hospital Road Parade,
Kanpur—208 001.
Uttar Pradesh.
2. Tyre Corporation of India Ltd.,
4850/24, Ansari Road,
Dariaganj,
New Delhi-110 002.
3. Tyre Corporation of India Ltd.,
Ram Nivas,
Khanpur Road,
Post Box No. 107,
Ahmedabad 380 001.

[No. E.11012/1/2000-Hindi]

GOPAL SINGH, Under Secy.

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 28 सितम्बर, 2001

का.आ.2700.—केन्द्रीय सरकार, निर्यात, (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20 दिसम्बर 1965 में उपाबद्ध, अनुसूची में विनिर्दिष्ट खनिज तथा अयस्क ग्रुप 1 का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स कलेब ब्रेट इंडिया प्राइवेट लिमिटेड 26-26-40 ए.हार्बर एप्रोच रोड विशाखापत्तनम-530001 को, जिनका रजिस्ट्रीकृत कार्यालय यूनिट सं. डी 1, उद्योग सदन सं. 3, एम.आई.डी.सी. सेटुल रोड, अंधेरी (ईस्ट), मुम्बई-400093 में स्थित है, इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्नलिखित शर्तों के अधीन रहते हुए अभिकरण के रूप में मान्यता प्रदान करती है अर्थात् :—

- (i) मैसर्स कलेब ब्रेट इंडिया प्राइवेट लिमिटेड निर्यात निरीक्षण परिषद् द्वारा इस निमित्त नामनिर्दिष्ट अधिकारियों को उनके द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगी ताकि खनिज तथा अयस्क ग्रुप 1 के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण प्रमाण पत्र दिया जा सके।
- (ii) मैसर्स कलेब ब्रेट इंडिया प्राइवेट लिमिटेड इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निदेशों द्वारा आबद्ध होगी जो निदेशक (निरीक्षण और क्वालिटी नियंत्रण) द्वारा समय-समय पर लिखित में दिए जाएं।

[फा. सं. 5/12/2001-ई.आई.एण्ड ई.पी.]

राज सिंह, अवर सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 28th September, 2001

S. O. 2700.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification, M/s Caleb Brett India Private Limited located at 26-26-40A, Harbour Approach Road, Visakhapatnam-530001 and having their registered office at Unit No. D1, Udyog Sadan No. 3, M.I.D.C., Central Road, Andheri (E), Mumbai-400093, as an agency for the inspection of Minerals and Ores Group I specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce number S. O. 3975, dated the

20th December, 1965, prior to export, subject to the following conditions, namely :

- (i) that M/s Caleb Brett India Private Limited shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores-Group 1 (Inspection) Rules, 1965 ;

- (ii) that M/s Caleb Brett India Private Limited in the performance of their functions under this notification, shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[File No. 5/12/2001-EI&EP]

RAJ SINGH, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 26 सितम्बर, 2001

का.आ. 2701.— भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 12 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद एतद्वारा उक्त अधिनियम की द्वितीय अनुसूची में निम्नलिखित और संशोधन करती है अर्थात् :—

उक्त द्वितीय अनुसूची में, “नेपाल” शीर्षक के अधीन बी पी. कोईराला स्वास्थ्य विज्ञान संस्थान, धरन, नेपाल से सम्बंधित प्रविष्टियों के बाद निम्नलिखित प्रविष्टियां अन्तः स्थापित की जाएंगी, अर्थात् :—

देश	शीर्षक	डिप्लोमा में उल्लिखित अर्हता का नाम	संक्षेपाक्षर
1	2	3	4
“काठमांडु विश्वविद्यालय	एम. बी. बी. एम.	आयुर्विज्ञान तथा शल्य विज्ञान स्नातक (मनिपाल कलेज ऑफ मेडिकल साइंसेज, पोखरा के छात्रों के संबंध में यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह जुलाई, 1999 में या उसके बाद प्रदान की गई हो)।	काठमांडु विश्वविद्यालय

[स. बी.—11016/1/2000—एम. ई. (यू. जी.)]

पी. जी. कलाधरन, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 26th September, 2001

S.O.2701.—In exercise of the powers conferred by sub-section (2) of Section 12 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consultation with the Medical Council of India, hereby makes the following further amendments in the Second Schedule to the said Act, namely :—

In the said Second Schedule, under the heading 'Nepal' after the entries relating to the B. P. Koirala Institute of Health Sciences, Dharan, Nepal, the following shall be inserted, namely :—

Country	Title	Name of qualification as stated in Dip'om	Abbreviation
(1)	(2)	(3)	(4)
"Kathmandu University	M.B.B.S.	Bachelor of Medicine and Bachelor of Surgery (This qualification shall be a recognised medical qualification when granted in or after July, 1999 in respect of students of Manipal College of Medical Sciences, Pokhara)."	Kathmandu University

[V. 11016/1/2000-ME(UG)]

P.G. KALADHARAN, Under Secy.

नागर विमानन मंत्रालय

नई दिल्ली, 28 सितम्बर, 2001

का.प्रा. 2702.—लोकपरिसर (अनधिकृत कब्जा हटाना), अधिनियम, 1971 (1971 का 40) की धारा-3 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए और नागर विमानन मंत्रालय के दिनांक 19 नवम्बर, 1991 की अधिसूचना संख्या 3016 के अधि-क्रमण में जिनमें ऐसे अधिक्रमण से पहले किए गए अधिवा हटाए गए मद शामिल नहीं हैं, केन्द्रीय सरकार एतद् द्वारा नीचे दी गई तालिका के कॉलम-1 में उल्लिखित अधिकारियों को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी के समतुल्य हैं, के उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारियों के रूप में नियुक्त करती है। ये अधिकारी उक्त तालिका के कॉलम-2 में उल्लिखित अपने-अपने अधिकार क्षेत्र की सीमाओं में और कॉलम-3 में विनिर्दिष्ट लोक परिसरों के संबंध में उक्त अधिनियम में प्रथवा संपदा अधि-कारियों को प्रदत्त शक्तियों का प्रयोग और कर्तव्यों का निर्वाह करेंगे।

तालिका

अधिकारी का नाम/पद	सम्पदा अधिकारी के अधिकार क्षेत्र की प्रादेशिक सीमाएं	लोक परिसरों की श्रेणियां
1	2	3
1. कंपनी सचिव भारतीय होटल नि. लि., सेन्टॉर होटल, मुम्बई सहायक महाप्रबंधक, (लेखा) भारतीय होटल निगम लिमिटेड, सेन्टॉर होटल मुम्बई, मुम्बई एयरपोर्ट, मुम्बई सहायक महाप्रबंधक विधि एवं स्थापना, भारतीय होटल निगम लिमिटेड, सेन्टॉर होटल, मुम्बई	महाराष्ट्र राज्य	वैसे सभी परिसर जो भारतीय होटल निगम लिमिटेड के स्वामित्व में हैं अथवा वह पट्टाकर्ता हैं अथवा किराएदार हैं अथवा लाइसेंस दाता हैं और ये सभी परिसर जिसकी प्राप्त सूची भारतीय होटल निगम लि. की ओर से दी गई हो।

1	2	3
कार्यकारी प्रबंधक-(लेखा), सेन्टॉर होटल, मुम्बई एयरपोर्ट, मुम्बई कार्यकारी प्रबंधक-(लेखा), सेन्टॉर होटल, जूहू बीच, मुम्बई		
2. महाप्रबंधक प्रचालन, सेन्टॉर होटल, दिल्ली दिल्ली एयरपोर्ट, दिल्ली ।	दिल्ली, राष्ट्रीय राजधानी क्षेत्र	वैसे सभी परिसर जो भारतीय होटल निगम लिमिटेड के स्वामित्व में है अथवा वह पट्टाकर्ता है अथवा किराएदार है अथवा लाइसेंस दाता है और वे सभी परिसर जिसकी प्राप्ति सूची भारतीय होटल निगम लिमिटेड की ओर से दी गई हो ।
सहायक महाप्रबंधक (लेखा), सेन्टॉर होटल, दिल्ली दिल्ली एयरपोर्ट, दिल्ली कार्यकारी प्रबंधक कार्मिक, शे-फेयर उड़ान खान-पान व्यवस्था, नई दिल्ली		
3. महाप्रबंधक प्रचालन, सेन्टॉर लेक व्यू होटल, श्रीनगर कार्यकारी प्रबंधक, कार्मिक, सेन्टॉर लेक व्यू होटल, श्रीनगर	जम्मू कश्मीर राज्य	वैसे सभी परिसर जो भारतीय होटल निगम लि. के स्वामित्व में है अथवा वह पट्टाकर्ता है अथवा किराएदार है अथवा लाइसेंस दाता है और वे सभी परिसर जिसकी प्राप्ति सूची भारतीय होटल निगम लि. की ओर से दी गई हो ।

[फा.सं. ए बी-18050/105/2001-एआई]
करतार सिंह पंवार, अध्वर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 28th September, 2001

S.O. 2702.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of Notification of the Government of India in the Ministry of Civil Aviation S. O. No. 3016 dated 19th November, 1991 except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of the Gazetted Officers of the Government, to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officers by or under the said Act, within the limits of their respective jurisdiction mentioned in Column (2) in respect of the public premises specified in column (3) of the said Table.

TABLE

Name/Designation of the officer	Territorial limits of jurisdiction of the estate officer	Categories of the public premises
(1)	(2)	(3)
1. Company Secretary Hotel Corporation of India Limited, Centaur Hotel Mumbai Airport, Mumbai.	State of Maharashtra	All premises of which the Hotel Corporation of India Limited is the owner, lessee, tenant or licensee and all premises requisitioned for and on behalf of

(1)	(2)	(3)
<p>Assistant General Manager—Accounts, Hotel Corporation of India Limited, Centaur Hotel Mumbai Airport, Mumbai. Assistant General Manager—Legal & Establishment, Hotel Corporation of India Limited, Centaur Hotel Mumbai Airport, Mumbai. Executive Manager—Accounts, Centaur Hotel, Mumbai Airport, Mumbai. Executive Manager—Accounts, Centaur Hotel, Juhu Beach, Mumbai.</p>		the Hotel Corporation of India Limited.
<p>2. General Manager—Operations, Centaur Hotel, Delhi Airport, New Delhi. Assistant General Manager—Accounts, Centaur Hotel, Delhi Airport, New Delhi. Executive Manager—Personnel, Chefair Flight Catering, New Delhi.</p>	Union Territory of Delhi.	All premises of which the Hotel Corpora- tion of India Limited is the owner, lessee, tenant or licensee and all premises re- quisitioned for and on behalf of the Hotel Corporation of India Limited.
<p>3. General Manager—Operations, Centaur, Lake View Hotel, Srinagar. Executive Manager—Personnel, Centaur Lake View Hotel, Srinagar.</p>	State of Jammu and Kashmir	All premises of which the Hotel Corpora- tion of India Limited is the owner, lessee, tenant or licensee, and all premises requisitioned for and on behalf of the Hotel Corporation of India Limited.

[F. No. AV. 18050/105/2001-AI]
K. S. PANWAR, Under Secy.

कोयला मंत्रालय	<p>2. (ड) में—क्रम संख्यांक 6 के कम्पाटिबल संख्यांक स्तंभ में "6क" को संशोधित कर 6क "16क"</p>
शुद्धि-पत्र	16क पढ़िये।
नई दिल्ली, 25 सितम्बर, 2001	<p>तथा क्रम संख्यांक 6 के कूप संख्यांक स्तंभ में "XXX" को संशोधित कर XXX "XXX" "XXIX" पढ़िये।</p>
<p>का.प्र. 2703.—भारत के राजपत्र, भाग-II, खंड-3 उपखंड(ii) में तारीख 14 जुलाई, 2001 के पृष्ठ क्रमांक 3268 से 3269 पर प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का.प्र. 1608 तारीख 4 जुलाई, 2001 में—</p>	<p>पृष्ठ क्रमांक 3269 पर— सीमा वर्णन में—</p>
पृष्ठ क्रमांक 3268 पर—	<p>1. (क) रेखा ख-ग-घ में—"धोगरी रेतबारी" को संशोधित कर "धोगरी रेतबारी" पढ़िये।</p>
अनुसूची में—	[फा.सं. 43015/9/92—एल.एस. डब्ल्यू./पी.आर.आई. डब्ल्यू.]
<p>1. (घ) में—क्रम संख्यांक 5 के कूप संख्यांक स्तंभ में "XLVIII" को संशोधित कर "XLIII" "XLVIII" पढ़िये</p>	संजय बहादुर, उप सचिव

नई दिल्ली, 25 सितम्बर, 2001

का.आ. 2704.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किये जाने की संभावना है;

अतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. सी-1(ई) III/जी आर/685-0301 तारीख 12 मार्च 2001 का निरीक्षण वैस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल ईस्टेट, मिक्सल लाईन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या कलेक्टर, छिन्दवाड़ा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउन्सिल हाउस स्ट्रीट, कोलकाता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व), वैस्टर्न कोलफील्ड्स लिमिटेड, कोल ईस्टेट, मिक्सल लाईन्स नागपुर-440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची

हरनभाटा विस्तार विद्युत खदान

पेंच क्षेत्र

जिला—छिन्दवाड़ा (मध्य प्रदेश)

[रेखांक सं. सी-1 (ई) III/जी आर/685-0301 तारीख 12 मार्च, 2001]

क्र.सं.	ग्राम का नाम	पटवारी सर्कल संख्या	बन्दोक्त संख्या	तहसील	जिला	क्षेत्र हैक्टेयर में	टिप्पणियां
1.	मिरगौरी कला	19	567	परासिया	छिन्दवाड़ा	10.00	भान
कुल क्षेत्र : 10.00 हैक्टेयर (लगभग)							या
24.71 एकड़ (लगभग)							

सीमा वर्णन :

क-ख :

रेखा बिन्दु "क" से आरम्भ होती है और ग्राम मिरगौरी कला से होकर जाती है फिर नाले की दक्षिणी ओर से जाती है और बिन्दु "ख" पर मिलती है।

ख-ग :

रेखा ग्राम मिरगौरी कला से होकर जाती है और बिन्दु "ग" पर मिलती है।

ग-घ-क :

रेखा ग्राम मिरगौरी कला में धारा 9(1) के अधीन का.आ.सं. 1300 तारीख 25-5-1993 द्वारा अधिसूचित टेम्पोरा "क" ब्लॉक के अर्जित क्षेत्र की विद्यमान रेखा के साथ जाती है और आरम्भ बिन्दु "क" पर मिलती है।

[सं. -43015/13/2001-पी.आर.आई. डब्ल्यू.]

मंजय बहादुर, उप सचिव,

New Delhi, the 25th September, 2001

S.O. 2704 .—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein ;

The plan bearing No. C-I (E) III/GR/685-0301 dated the 12th March, 2001 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or in the office of the Collector, Chhindwara (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Kolkata.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate Civil Lines, Nagpur-440001 (Maharashtra) within ninety days from the date of publication of this notification.

SCHEDULE

HARANBHATA EXTENSION OPENCAST MINE
PENCH AREA

DISTRICT CHHINDWARA (MADHYA PRADESH)

(Plan No. C-I (E) III/GR/685-0301 dated the 12th March, 2001).

Sl. No.	Name of Village	Patwari circle number	Settlement number	Tahsil	District	Area in Hectares	Remarks
1.	Sirgori Kalan	19	567	Parasia	Chhindwara	10.00	Part

Total area : 10.00 hectares (approximately) or 24.71 acres (approximately)

Boundary description :—

A—B : Line starts from point 'A' and passes through village Sirgori Kalan then passes along South side of Nallah and meets at point 'B'.

B—C : Line passes through village Sirgori Kalan and meets at point 'C'.

C—D—A : Line passes through village Sirgori Kalan along the existing line of acquired area of Thesgora 'A' Block notified u/s. 9(1) vide No S. O. 1300 dated 25/05/1993 and meets at starting point 'A'.

[No. 43015/13/2001-PRIW]
SANJAY BAHADUR, Dy Secy.

शुद्धि-पत्र

नई दिल्ली, 28 सितम्बर, 2001

का.आ. 2705.—भारत के राजपत्र, तारीख 11 अगस्त, 2001 के भाग-2, खण्ड-3, उपखण्ड (ii) में पृष्ठ क्रमांक 4063 से 4065 पर प्रकाशित, भारत सरकार, कोयला मंत्रालय की अधिसूचना का.आ. 1971 तारीख 31 जुलाई, 2001 में :—

पृष्ठ क्रमांक—4064, सीमा वर्णन में, रेखा ग-घ-ङ पंक्ति 2, “बिन्दु “1” पर मिलती है” के स्थान पर “बिन्दु “ङ” पर मिलती है” पढ़ें।

3058 GI/2001--2

रेखा—“ङ-ख-क” के स्थान पर रेखा “ङ-च-क” पढ़ें।

पृष्ठ क्रमांक 4065, अनुसूची “ख” में, तालिका के ऊपर, पंक्ति 4, “मभी अधिकार” के स्थान पर “खनन अधिकार” पढ़ें।

[फा.सं.—43015/11/98-डी.आर.आई.डब्ल्यू.]

संजय बहादुर, उप सचिव

(शुद्धि-पत्र)

नई दिल्ली, 28 सितम्बर, 2001

का.आ. 2706 —भारत के राजपत्र, भाग-II, खंड-3, उपखंड (ii) में तारीख 19 मई, 2001 के पृष्ठ क्रमांक 2082 में

2084 पर प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना का.आ. 1008 तारीख 4 मई, 2001 में—

पृष्ठ क्र. 2082 पर—

अधिसूचना के तीसरे अनुच्छेद की पहली पंक्ति में

'सं. सी-1 (ई) 3 एफ आर/669-042000'

के स्थान पर

'सं. सी.-1 (ई) iii एफ आर/669-042000' पढ़िए

पृष्ठ क्र. 2083 पर—

सीमा वर्णन में—

रेखा घ—क में

'खा ग्राम' के स्थान पर 'रेखा ग्राम' पढ़िए

[सं. 43015/2/2001-पी आर आई डब्ल्यू]

मंजय बहादुर, डा सचिव

CORRIGENDUM

New Delhi, the 28th September, 2001

S. O. 2706.- In the notification of the Government of India in the Ministry of Coal No. S. O. 1008 dated the 4th May, 2001 published at pages 2082 to 2084 of the Gazette of India, Part II, Section 3, Sub-Section (ii) dated 19th May, 2001

On page 2084, in the boundary description, for line A' read line 'D—A'

[No. 43015/2/2001-PRIW]

SANJAY BAHADUR, Dy. Secy.

आदेश

नई दिल्ली, 1 अक्टूबर, 2001

का.आ. 2707.— कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 2493 तारीख 25 सितम्बर, 1997 के, राजनय भाग 2, खंड 3, उपखंड (ii) तारीख 4 अक्टूबर, 1997 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) में खनिज के खनन, गदान, बोर करने, उनकी खेदाई करने और खनिजों को तलाश करने, उन्हें प्राप्त करने, उस पर कार्य करने और उन्हें ले जाने के लिए अधिकार उक्त अधिनियम की धारा 10 की उपधारा (i) के अधीन, सभी विस्त्वंगों से मुक्त

होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे ;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर (जिसे इसमें इसके पश्चात् सरकारी कम्पनी कहा गया है) ऐसे निबंधनों और शर्तों का जिन्हें केन्द्रीय सरकार इसे निम्नित अधिरोपित करना उचित समझे, अनुपालन करने के लिए तैयार है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा (ii) की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि में के पूर्वोक्त अधिकार केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय तारीख 4 अक्टूबर, 1997 में निम्नलिखित निबंधनों और शर्तों के अधीन रहने हुए, सरकारी कम्पनी में निहित हो जाएंगे अर्थात् :—

(1) उक्त सरकारी कम्पनी, उक्त अधिनियम के उप-बंधों के अधीन यथा अवधारित प्रतिकर व्याज नुकसानियों और वैसी ही मदों की बाबत किए गए संदाय की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ।

(2) सरकारी कम्पनी द्वारा शर्त (i) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त किए गए व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कम्पनी द्वारा वहन किए जाएंगे और वैसे ही इस प्रकार उक्त भूमि में या उस पर निहित होने वाले अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियां, जैसे अपील आदि की बाबत उपगत, सभी व्यय भी सरकारी कम्पनी द्वारा वहन किए जाएंगे ।

(3) उक्त सरकारी कम्पनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो उक्त भूमि में या उस पर इस प्रकार निहित होने वाले पूर्वोक्त अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विशुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी ।

(4) उक्त सरकारी कम्पनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि में पूर्वोक्त अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की कोई शक्ति नहीं होगी ; और

- (5) उक्त सरकारी कम्पनी, ऐसे निर्देशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएँ या अधिरोपित किए जाएँ, पालन करेगी।

[फा. सं. 43015/9/92—पी. आर. आई. डब्ल्यू.]

संजय बहादुर, उप-सचिव

ORDER

New Delhi, the 1st October, 2001

S.O. 2707.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal Number S.O. 2493 dated the 25th September, 1997, published in the Gazette of India, Part-II, Section 3, Sub-section (ii), dated the 4th October, 1997, issued under Sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the rights to mine, quarry, bore, dig and search for win, work and carry away minerals in the lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under Sub-section (1) of Section 10 of the said Act;

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the aforesaid rights in the said lands so vested, shall, with effect from the 4th October, 1997 instead of continuing to so vest in the Central Government, vest in the Government Company, subject to the following terms and conditions, namely :—

1. the Government Company shall reimburse the Central Government all payment made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act.
2. a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the

Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in the said lands, so vesting shall also be borne by the Government Company.

3. The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the aforesaid rights in the said lands so vesting.
4. The Government Company shall have no power to transfer the aforesaid right in the said lands so vested, to any other person without the previous approval of the Central Government; and
5. The Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land as and when necessary.

[No. 43015/9/92—LSW/PRIW]

SANJAY BAHADUR, Dy. Secy.

गृहि पत्र

नई दिल्ली, 3 अक्टूबर, 2001

का.आ. 2708.—भारत सरकार के राजपत्र असाधारण भाग-II, खंड-3, उपखंड (ii), दिनांक 4 दिसम्बर, 2000 के पृष्ठ क्रमांक 2 पर प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना का. आ. 1083 (अ) दिनांक 4 दिसम्बर, 2000 में पृष्ठ क्रमांक 2 पर अनुसूची में

- क्रमांक 1 में 'क्षेत्र एकड़ में' "135.510" के स्थान पर "124.350" पढ़ें,
- क्रमांक 2 में 'क्षेत्र एकड़ में' "124.350" के स्थान पर "135.510" पढ़ें,

[फा. सं. 43015/20/98—पी. आर. आई. डब्ल्यू.]

संजय बहादुर, उप-सचिव

CORRIGENDA

New Delhi, the 3rd October, 2001

S.O. 2708.—In the notification of the Government of India in the Ministry of Coal number S.O. 1083(E) dated 04-12-2000 published in the Gazette of India, Extraordinary Part-II, Section 3, Sub-Section (ii) dated the 4th December, 2000,

At page 4, in the Schedule—

- (1) at serial number 1 in column relating to "Area in Acres" for "135.510" read "124.350"
- (2) at serial number 2, in column relating to "Areas in Acres" for "124.350" read "135.510".

[F. No. 43015/20/98-PRIW]
SANJAY BAHADUR, Dy. Secy.

रसायन और उर्वरक मंत्रालय

(उर्वरक विभाग)

नई दिल्ली, 26 सितम्बर, 2001

का.आ. 2709.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप नियम (4) के अनुसरण में रसायन एवं उर्वरक मंत्रालय उर्वरक विभाग के प्रशासनिक नियंत्रण में आने वाले निम्न-लिखित कार्यालयों को, जिसके 80 प्रतिशत से अधिक अर्थात् 100 प्रतिशत कर्मचारीबुन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त किया है, अधिसूचित करती है ;

1. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि., राज्य विपणन कार्यालय, हैदराबाद, आंध्र प्रदेश ।
2. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि. क्षेत्रीय कार्यालय, पुणे महाराष्ट्र ।
3. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि. क्षेत्रीय कार्यालय, ग्वालियर, मध्य प्रदेश ।
4. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि. क्षेत्रीय कार्यालय, औरंगाबाद, महाराष्ट्र ।
5. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि., क्षेत्रीय कार्यालय, राजकोट, गुजरात ।
6. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि., क्षेत्रीय कार्यालय जबलपुर, मध्य प्रदेश ।

7. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि., क्षेत्रीय कार्यालय, इन्दौर, मध्य प्रदेश ।
8. इंडियन फार्मर्स फर्टिलाइजर कोऑपरेटिव लि., क्षेत्रीय कार्यालय, होशंगाबाद, मध्य प्रदेश ।

[सं. ई-11011/1/2001-हिन्दी]

बलविन्दर कुमार, संयुक्त सचिव

MINISTRY OF CHEMICALS & FERTILIZERS

(Department of Fertilizers)

New Delhi, the 26th September, 2001

S.O. 2709.—In pursuance of sub-rule (4) of the Rule 10 of the Official Language "Use for official purposes of the Union" Rule 1976 the Central Govt. hereby notifies the following offices under the Administrative Control of Ministry of Chemicals & Fertilizers Department of Fertilizers more than 80% i.e. 100% staff where of have acquired the working knowledge of Hindi.

1. Indian Farmers Fertilizers Cooperative Limited, State Marketing Office-Hyderabad Andhra Pradesh.
2. Indian Farmers Fertilizers Cooperative Limited, Regional Office, Pune, Maharashtra
3. Indian Farmers Fertilizers Cooperative Limited Regional Office, Gwalior., M.P.
4. Indian Farmers Fertilizers Cooperative Limited, Regional Office, Aurangabad, Maharashtra
5. Indian Farmers Fertilizers Cooperative Limited, Regional Office, Rajkot Gujarat
6. Indian Farmers Fertilizers Cooperative Limited, Regional Office, Jabalpur, Madhya Pradesh
7. Indian Farmers Fertilizers Cooperative Limited, Regional Office, Indore, Madhya Pradesh
8. Indian Farmers Fertilizers Cooperative Limited, Regional Office, Hoshangabad, Madhya Pradesh

[No. E.-11011/1/2001-Hindi]

BALVINDER KUMAR, Jt. Secy.

नई दिल्ली, 5 अक्टूबर, 2001

का. आ. 2710.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2295 तारीख 11 अक्टूबर 2000, द्वारा पश्चिमी बंगाल राज्य में हल्दिया से बिहार राज्य में बरौनी तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 01 नवम्बर, 2000 को उपलब्ध करा दी गई थी;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् यह विनिश्चय किया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाए;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना में विनिर्दिष्ट अनुसूची में उक्त भूमि में उपयोग के अधिकार का अर्जन पाइपलाइन बिछाने के लिए किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लंगमों से रहित, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

“अनुसूची संलग्न है”

अनुसूची					
पुलिस थाना : राइना	जिला : वर्धमान		राज्य : पश्चिमी बंगाल		
गाँव	अधिकारिता	प्लॉट	क्षेत्र		
	सूची संख्या	संख्या	हेक्टेयर	आर	मंटीआर
1	2	3	4	5	6
नरान्तमवाटि	136	2502	0	40	09
		2870	0	0	20
		2871	0	2	78
		2872	0	0	83
		2873	0	0	60
		2874	0	4	87
		2875	0	10	51
		2876	0	3	34
		2877	0	0	20
		2879	0	1	46
		2880	0	16	43
		2881	0	1	11
		2882	0	6	13
		2883	0	8	19
		2898	0	9	75
		2899	0	53	12
		2901	0	5	99
बाबला	137	350	0	0	20
		351	0	3	02
		352	0	5	38
		353	0	2	60
		354	0	3	06
		355	0	4	18
		360	0	2	78
		361	0	2	65
		363	0	6	68
		451	0	0	20
		452	0	15	03
		456	0	0	20
		457	0	23	48
		458	0	0	20
		469	0	5	48
		470	0	0	20

1	2	3	4	5	6
		471	0	4	46
		472	0	0	83
		473	0	0	20
		483	0	8	31
		762	0	11	60
		763	0	2	60
		764	0	2	78
		767	0	3	34
		768	0	0	23
		770	0	0	56
		771	0	3	06
		773	0	7	71
		777	0	6	17
		778	0	5	48
		788	0	5	75
		789	0	3	06
		792	0	7	71
		799	0	0	89
		800	0	1	25
		826	0	7	43
		830	0	18	10
		838	0	0	20
		839	0	3	71
		840	0	0	20
		841	0	0	56
		847	0	7	89
		860	0	1	99
		861	0	3	34
		863	0	11	60
		864	0	1	39
		865	0	0	30
		870	0	1	67
		871	0	0	20
		881	0	1	95
		882	0	9	10
		883	0	6	96
		901	0	3	80
		902	0	0	20
		903	0	2	14

1	2	3	4	5	6
		1079	0	10	68
		1228	0	3	48
		1238	0	0	37
		1240	0	14	85
		1241	0	3	90
		1242	0	16	15
		1243	0	0	51
		1260	0	10	99
		1788	0	1	86
		1789	0	17	64
		1794	0	0	20
शंखनारायणपुर	139	600	0	0	20
		601	0	8	03
		602	0	3	90
		603	0	3	71
		615	0	12	53
		616	0	4	83
		617	0	1	67
		618	0	0	28
		620	0	0	20
		734	0	8	63
		745	0	2	78
		747	0	4	08
		748	0	5	62
		749	0	1	02
		751	0	4	83
		752	0	7	89
		763	0	6	68
		764	0	4	49
		765	0	4	54
		786	0	11	78
		787	0	0	20
		793	0	2	60
		794	0	3	43
		795	0	1	80
		798	0	5	28
		799	0	0	28
		800	0	1	71

1	2	3	4	5	6
		802	0	7	70
		803	0	6	03
		804	0	3	99
		808	0	0	83
		856	0	5	94
		857	0	10	58
		863	0	0	20
		864	0	0	28
		867	0	3	62
		869	0	2	51
		874	0	19	86
		875	0	10	30
		2845	0	0	32
		2849	0	4	18
		2854	0	1	02
		2865	0	2	65
		2867	0	6	77
कलुङ	141	266	0	1	48
		267	0	14	20
रामपुर	140	293	0	10	49
		308	0	2	22
		309	0	0	83
		310	0	7	37
		311	0	5	01
		312	0	0	20
		313	0	0	92
		324	0	0	70
		325	0	1	06
		326	0	1	55
		327	0	0	27
		328	0	0	20
		331	0	9	09
		332	0	3	25
		333	0	0	20
		338	0	2	56
		351	0	12	99
		352	0	10	76

1	2	3	4	5	6
		353	0	1	30
		354	0	2	97
		355	0	2	53
		356	0	7	79
		357	0	0	46
		426	0	6	40
		427	0	0	20
		430	0	0	20
		449	0	1	67
नन्दनपुर	132	1197	0	2	01
		1203	0	7	70
		1204	0	9	37
		1208	0	0	70
		1213	0	1	76
		1215	0	9	65
		1269	0	0	28
		1270	0	1	76
		1271	0	1	16
		1272	0	0	42
		1273	0	12	34
		1274	0	2	50
		1282	0	0	20
		1283	0	1	67
		1289	0	0	20
		1290	0	11	41
		1291	0	5	10
		1292	0	1	71
		1315	0	2	64
		1316	0	3	25
		1317	0	0	20
		1318	0	8	26
		1319	0	1	58
		1479	0	0	20
		1483	0	1	30
		1484	0	6	03
		1485	0	3	11
		1486	0	0	20
		1487	0	0	20

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		1488	0	3	80
		1489	0	0	56
		1490	0	7	05
		1495	0	0	20
		1507	0	5	38
		1508	0	0	20
		1513	0	3	53
		1514	0	1	67
		1524	0	0	28
		1525	0	1	75
		1526	0	2	22
		1527	0	1	21
		1528	0	1	11
		1529	0	0	98
		1530	0	0	67
		1532	0	0	76
		1535	0	0	97
		1536	0	0	20
		1537	0	0	20
		1538	0	0	74
		1541	0	0	42
		1542	0	0	74
		1543	0	0	74
		1544	0	3	53
		1545	0	2	51
		1546	0	0	67
		1547	0	3	53
		1548	0	0	20
		1556	0	0	20
		1557	0	0	20
		1579	0	0	65
		1639	0	2	32
		1650	0	2	36
		1651	0	1	30
		2012	0	3	06
		2013	0	1	58
		2040	0	2	50
		2041	0	3	85
		2042	0	0	20

1	2	3	4	5	6
		2046	0	0	46
		2047	0	0	65
		2048	0	0	74
		2050	0	0	47
		2064	0	7	98
		2066	0	6	49
		2070	0	0	91
		2071	0	4	17
		2072	0	7	98
		2073	0	0	20
		2074	0	0	20
		2075	0	0	53
		2115	0	3	20
		2116	0	1	25
		2117	0	0	65
		2118	0	0	38
		2148	0	22	27
		2149	0	21	16
		2167	0	1	25
		2271	0	0	20
		2272	0	2	97
		2273	0	0	20
		2274	0	1	62
		2275	0	7	98
		2277	0	5	38
		2278	0	1	20
		2279	0	2	08
		2280	0	1	20
		2281	0	2	22
		3273	0	2	41
		3282	0	6	03
		3283	0	12	43
		3284	0	1	86
		3285	0	0	57
		3294	0	0	42
		3295	0	9	00
		3297	0	0	20
		3298	0	3	90
		3299	0	7	28

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		3365	0	1	67
		3371	0	1	25
		3375	0	6	40
		3376	0	2	14
		3377	0	0	20
		3378	0	7	43
		3386	0	1	16
		3388	0	0	20
		3450	0	4	27
		3451	0	0	20
		3452	0	0	73
		3453	0	7	80
		3558	0	1	16
		3560	0	3	99
		3562	0	1	39
		3563	0	3	99
		3564	0	1	95
		3565	0	3	15
		3566	0	0	20
		3623	0	12	22
		3624	0	0	20
		3625	0	0	20
		3627	0	0	20
		3628	0	0	20
		3629	0	0	32
		3630	0	0	46
		3631	0	0	93
		3632	0	1	65
		3633	0	1	95
		3635	0	12	71
		3637	0	3	48
		3638	0	10	02
		3672	0	4	11
		3673	0	0	83
		3675	0	1	67
		3676	0	4	18
		3944	0	4	36
		3945	0	2	18

1	2	3	4	5	6
		4356	0	0	20
		4362	0	2	22
		4364	0	0	20
		4366	0	2	96
		4395	0	0	46
		4414	0	1	95
		4417	0	0	67
		4623	0	0	20
		7239	0	9	89
		7248	0	4	64
		7250	0	1	22
		7263	0	1	30
		7316	0	0	20
		7319	0	0	20
		7320	0	2	92
		7321	0	3	02
		7322	0	1	58
		7323	0	18	84
		7329	0	4	08
		7334	0	0	20
		7335	0	0	44
		7336	0	9	05
		7339	0	12	90
		7343	0	1	02
		7344	0	4	99
		7345	0	12	90
		7346	0	0	51
		7376	0	13	46
		7379	0	0	20
		7381	0	10	67
		7382	0	13	18
		7590	0	5	10
		7594	0	7	84
		7595	0	0	65
		7596	0	11	19
		7597	0	6	02
		7598	0	8	00
		7609	0	14	34
		7611	0	0	20

1	2	3	4	5	6
		7612	0	6	96
		7613	0	7	52
		7614	0	7	80
		7680	0	11	98
		8397	0	1	53
ऊषालान	131	124	0	0	20
		125	0	0	65
		126	0	0	97
		127	0	1	39
		128	0	0	20
		129	0	2	09
		130	0	6	43
		131	0	0	53
		133	0	4	49
		134	0	0	20
		143	0	5	64
		144	0	1	11
		145	0	1	48
		146	0	2	14
		147	0	1	58
		148	0	5	57
		1005	0	8	63
		1006	0	0	44
		1011	0	6	41
		1012	0	1	30
		1013	0	1	39
		1014	0	1	72
		1015	0	0	20
		1020	0	0	49
		1021	0	3	62
		1035	0	4	31
		1036	0	4	08
		1037	0	4	46
		1038	0	5	02
		1039	0	0	20
		1062	0	2	69
		1109	0	0	63
		1110	0	0	20

1	2	3	4	5	6
		1113	0	8	82
		1114	0	2	43
		1115	0	0	28
		1122	0	0	49
		1123	0	2	09
		1124	0	4	83
		1125	0	2	14
		1172	0	12	55
		1173	0	0	81
		1174	0	0	44
		1175	0	0	93
		1402	0	2	97
		1403	0	0	83
		1404	0	8	26
		1406	0	3	90
		1407	0	3	12
		1408	0	1	35
		1414	0	3	85
		1415	0	2	18
		1416	0	1	48
		1417	0	1	44
		1427	0	2	48
		1428	0	2	04
		1429	0	1	53
		1430	0	6	40
		1431	0	14	76
		1474	0	0	83
		1506	0	1	86
		1507	0	1	86
		1508	0	6	40
		1509	0	10	58
		1513	0	3	62
		1521	0	1	18
		1522	0	3	80
		1523	0	5	20
		1526	0	5	42
		1527	0	2	14
		1528	0	4	64
		1529	0	0	37

1	2	3	4	5	6
		1544	0	16	61
		1551	0	11	14
		1557	0	19	77
		1590	0	9	37
		1593	0	0	20
		1594	0	2	50
		1612	0	0	20
		1613	0	5	71
		1614	0	3	32
		1615	0	0	74
		1616	0	1	33
		1617	0	3	33
		1622	0	0	20
		1623	0	0	20
		1629	0	5	01
		1633	0	9	49
		1634	0	2	04
		1637	0	1	96
		1638	0	7	15
		1639	0	10	21
		2218	0	1	67
		2246	0	14	92
		2247	0	0	20
		2248	0	1	95
		2249	0	6	68
		2254	0	1	86
		2255	0	8	42
		2256	0	1	95
		2258	0	6	31
		2259	0	0	28

[फा. सं. आर. 31015/41/2000-ओ.आर-I]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 5th October, 2001

S. O. 2710.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2295 dated the 11th October, 2000, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of crude oil from Haldia in the State of West Bengal to Barauni in the State of Bihar, by Indian Oil Corporation Limited;

And whereas, the copies of the said gazette notification were made available to the public on 1st November, 2000;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act, has submitted his report to the Central Government;

And further, whereas, the Central Government, has after considering the said report decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Police Station : Raina		District : Burdwan		State : West Bengal	
Village	Jurisdiction	Plot.	Area		
	List No.	No.	Hectares	Ares	Centiares
1	2	3	4	5	6
Narattambati	136	2502	0	40	09
		2870	0	0	20
		2871	0	2	78
		2872	0	0	83
		2873	0	0	60
		2874	0	4	87
		2875	0	10	51
		2876	0	3	34
		2877	0	0	20
		2879	0	1	46
		2880	0	16	43
		2881	0	1	11
		2882	0	6	13
		2883	0	8	19
		2898	0	9	75
		2899	0	53	12
		2901	0	5	99
Babla	137	350	0	0	20
		351	0	3	02
		352	0	5	38
		353	0	2	60
		354	0	3	06
		355	0	4	18
		360	0	2	78
		361	0	2	65
		363	0	6	68
		451	0	0	20
		452	0	15	03
		456	0	0	20
		457	0	23	48
		458	0	0	20
		469	0	5	48
		470	0	0	20

1	2	3	4	5	6
		471	0	4	46
		472	0	0	83
		473	0	0	20
		483	0	8	31
		762	0	11	60
		763	0	2	60
		764	0	2	78
		767	0	3	34
		768	0	0	23
		770	0	0	56
		771	0	3	06
		773	0	7	71
		777	0	6	17
		778	0	5	48
		788	0	5	75
		789	0	3	06
		792	0	7	71
		799	0	0	89
		800	0	1	25
		826	0	7	43
		830	0	18	10
		838	0	0	20
		839	0	3	71
		840	0	0	20
		841	0	0	56
		847	0	7	89
		860	0	1	99
		861	0	3	34
		863	0	11	60
		864	0	1	39
		865	0	0	30
		870	0	1	67
		871	0	0	20
		881	0	1	95
		882	0	9	10
		883	0	6	96
		901	0	3	80
		902	0	0	20
		903	0	2	14

1	2	3	4	5	6
		1079	0	10	68
		1228	0	3	48
		1238	0	0	37
		1240	0	14	85
		1241	0	3	90
		1242	0	16	15
		1243	0	0	51
		1260	0	10	99
		1788	0	1	86
		1789	0	17	64
		1794	0	0	20
Sanko Narayanpur	139	600	0	0	20
		601	0	8	03
		602	0	3	90
		603	0	3	71
		615	0	12	53
		616	0	4	83
		617	0	1	67
		618	0	0	28
		620	0	0	20
		734	0	8	63
		745	0	2	78
		747	0	4	08
		748	0	5	62
		749	0	1	02
		751	0	4	83
		752	0	7	89
		763	0	6	68
		764	0	4	49
		765	0	4	54
		786	0	11	78
		787	0	0	20
		793	0	2	60
		794	0	3	43
		795	0	1	80
		798	0	5	28
		799	0	0	28
		800	0	1	71

	2	3	4	5	6
		802	0	7	70
		803	0	6	03
		804	0	3	99
		808	0	0	83
		856	0	5	94
		857	0	10	58
		863	0	0	20
		864	0	0	28
		867	0	3	62
		869	0	2	51
		874	0	19	86
		875	0	10	30
		2845	0	0	32
		2849	0	4	18
		2854	0	1	02
		2865	0	2	65
		2867	0	6	77
Kalui	141	266	0	1	48
		267	0	14	20
Rampur	140	293	0	10	49
		308	0	2	22
		309	0	0	83
		310	0	7	37
		311	0	5	01
		312	0	0	20
		313	0	0	92
		324	0	0	70
		325	0	1	06
		326	0	1	55
		327	0	0	27
		328	0	0	20
		331	0	9	09
		332	0	3	25
		333	0	0	20
		338	0	2	56
		351	0	12	99
		352	0	10	76

1	2	3	4	5	6
		353	0	1	30
		354	0	2	97
		355	0	2	53
		356	0	7	79
		357	0	0	46
		426	0	6	40
		427	0	0	20
		430	0	0	20
		449	0	1	67
Nandanpur	132	1197	0	2	01
		1203	0	7	70
		1204	0	9	37
		1208	0	0	70
		1213	0	1	76
		1215	0	9	65
		1269	0	0	28
		1270	0	1	76
		1271	0	1	16
		1272	0	0	42
		1273	0	12	34
		1274	0	2	50
		1282	0	0	20
		1283	0	1	67
		1289	0	0	20
		1290	0	11	41
		1291	0	5	10
		1292	0	1	71
		1315	0	2	64
		1316	0	3	25
		1317	0	0	20
		1318	0	8	26
		1319	0	1	58
		1479	0	0	20
		1483	0	1	30
		1484	0	6	03
		1485	0	3	11
		1486	0	0	20
		1487	0	0	30

1	2	3	4	5	6
		1488	0	3	80
		1489	0	0	56
		1490	0	7	05
		1495	0	0	20
		1507	0	5	38
		1508	0	0	20
		1513	0	3	53
		1514	0	1	67
		1524	0	0	28
		1525	0	1	75
		1526	0	2	22
		1527	0	1	21
		1528	0	1	11
		1529	0	0	98
		1530	0	0	67
		1532	0	0	76
		1535	0	0	97
		1536	0	0	20
		1537	0	0	20
		1538	0	0	74
		1541	0	0	42
		1542	0	0	74
		1543	0	0	74
		1544	0	3	53
		1545	0	2	51
		1546	0	0	67
		1547	0	3	53
		1548	0	0	20
		1556	0	0	20
		1557	0	0	20
		1579	0	0	65
		1639	0	2	32
		1650	0	2	36
		1651	0	1	30
		2012	0	3	06
		2013	0	1	58
		2040	0	2	50
		2041	0	3	85
		2042	0	0	20

1	2	3	4	5	6
		2046	0	0	46
		2047	0	0	65
		2048	0	0	74
		2050	0	0	47
		2064	0	7	98
		2066	0	6	49
		2070	0	0	91
		2071	0	4	17
		2072	0	7	98
		2073	0	0	20
		2074	0	0	20
		2075	0	0	53
		2115	0	3	20
		2116	0	1	25
		2117	0	0	65
		2118	0	0	38
		2148	0	22	27
		2149	0	21	16
		2167	0	1	25
		2271	0	0	20
		2272	0	2	97
		2273	0	0	20
		2274	0	1	62
		2275	0	7	98
		2277	0	5	38
		2278	0	1	20
		2279	0	2	08
		2280	0	1	20
		2281	0	2	22
		3273	0	2	41
		3282	0	6	03
		3283	0	12	43
		3284	0	1	86
		3285	0	0	57
		3294	0	0	42
		3295	0	9	00
		3297	0	0	20
		3298	0	3	90
		3299	0	7	28

1	2	3	4	5	6
		3300	0	6	77
		3365	0	1	67
		3371	0	1	25
		3375	0	6	40
		3376	0	2	14
		3377	0	0	20
		3378	0	7	43
		3386	0	1	16
		3388	0	0	20
		3450	0	4	27
		3451	0	0	20
		3452	0	0	73
		3453	0	7	80
		3558	0	1	16
		3560	0	3	99
		3562	0	1	39
		3563	0	3	99
		3564	0	1	95
		3565	0	3	15
		3566	0	0	20
		3623	0	12	22
		3624	0	0	20
		3625	0	0	20
		3627	0	0	20
		3628	0	0	20
		3629	0	0	32
		3630	0	0	46
		3631	0	0	93
		3632	0	1	65
		3633	0	1	95
		3635	0	12	71
		3637	0	3	48
		3638	0	10	02
		3672	0	4	11
		3673	0	0	83
		3675	0	1	67
		3676	0	4	18
		3944	0	4	36
		3945	0	2	18

1	2	3	4	5	6
		4356	0	0	20
		4362	0	2	22
		4364	0	0	20
		4366	0	2	96
		4395	0	0	46
		4414	0	1	95
		4417	0	0	67
		4623	0	0	20
		7239	0	9	89
		7248	0	4	64
		7250	0	1	22
		7263	0	1	30
		7316	0	0	20
		7319	0	0	20
		7320	0	2	92
		7321	0	3	02
		7322	0	1	58
		7323	0	18	84
		7329	0	4	08
		7334	0	0	20
		7335	0	0	44
		7336	0	9	05
		7339	0	12	90
		7343	0	1	02
		7344	0	4	99
		7345	0	12	90
		7346	0	0	51
		7376	0	13	46
		7379	0	0	20
		7381	0	10	67
		7382	0	13	18
		7590	0	5	10
		7594	0	7	84
		7595	0	0	65
		7596	0	11	19
		7597	0	6	02
		7598	0	8	00
		7609	0	14	34
		7611	0	0	20

1	2	3	4	5	6
		7612	0	6	96
		7613	0	7	52
		7614	0	7	80
		7680	0	11	98
		8397	0	1	53
Uchalan	131	124	0	0	20
		125	0	0	65
		126	0	0	97
		127	0	1	39
		128	0	0	20
		129	0	2	09
		130	0	6	43
		131	0	0	53
		133	0	4	49
		134	0	0	20
		143	0	5	64
		144	0	1	11
		145	0	1	48
		146	0	2	14
		147	0	1	58
		148	0	5	57
		1005	0	8	63
		1006	0	0	44
		1011	0	6	41
		1012	0	1	30
		1013	0	1	39
		1014	0	1	72
		1015	0	0	20
		1020	0	0	49
		1021	0	3	62
		1035	0	4	31
		1036	0	4	08
		1037	0	4	46
		1038	0	5	02
		1039	0	0	20
		1062	0	2	69
		1109	0	0	63
		1110	0	0	20

1	2	3	4	5	6
		1113	0	8	82
		1114	0	2	43
		1115	0	0	28
		1122	0	0	49
		1123	0	2	09
		1124	0	4	83
		1125	0	2	14
		1172	0	12	55
		1173	0	0	81
		1174	0	0	44
		1175	0	0	93
		1402	0	2	97
		1403	0	0	83
		1404	0	8	26
		1406	0	3	90
		1407	0	3	12
		1408	0	1	35
		1414	0	3	85
		1415	0	2	18
		1416	0	1	48
		1417	0	1	44
		1427	0	2	48
		1428	0	2	04
		1429	0	1	53
		1430	0	6	40
		1431	0	14	76
		1474	0	0	83
		1506	0	1	86
		1507	0	1	86
		1508	0	6	40
		1509	0	10	58
		1513	0	3	62
		1521	0	1	18
		1522	0	3	80
		1523	0	5	20
		1526	0	5	42
		1527	0	2	14
		1528	0	4	64
		1529	0	0	37

1	2	3	4	5	6
		1544	0	16	61
		1551	0	11	14
		1557	0	19	77
		1590	0	9	37
		1593	0	0	20
		1594	0	2	50
		1612	0	0	20
		1613	0	5	71
		1614	0	3	32
		1615	0	0	74
		1616	0	1	33
		1617	0	3	33
		1622	0	0	20
		1623	0	0	20
		1629	0	5	01
		1633	0	9	49
		1634	0	2	04
		1637	0	1	96
		1638	0	7	15
		1639	0	10	21
		2218	0	1	67
		2246	0	14	92
		2247	0	0	20
		2248	0	1	95
		2249	0	6	68
		2254	0	1	86
		2255	0	8	42
		2256	0	1	95
		2258	0	6	31
		2259	0	0	28

[No. R-31015/41/2000 OR-I]
S. CHANDRASEKHAR, Under Secy.

नई दिल्ली, 5 अक्टूबर, 2001

का. आ. 2711.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2296 तारीख 17 अक्टूबर 2000, द्वारा पश्चिमी बंगाल राज्य में हल्दिया से बिहार राज्य में बरौनी तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा अपरिष्कृत पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ तारीख 01 नवम्बर 2000 को जनता को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन अपनी रिपोर्ट केन्द्रीय सरकार को प्रस्तुत कर दी है;

और केन्द्रीय सरकार का, उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त भूमि पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाए जाने के लिए अपेक्षित है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना की अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार पाइपलाइन बिछाए जाने के लिए अर्जित किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लंगमों से मुक्त, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

“अनुसूची संलग्न है”

अनुसूची					
पुलिस थाना : गांधाट	जिला : हुगलि		राज्य : पश्चिमी बंगाल		
गाँव	अधिकारिता सूची संख्या	प्लॉट संख्या	क्षेत्र		
1	2	3	हैक्टेयर	आर	सेटीआर
दिवातचक्र	193	157	0	2	46
		158	0	7	28
		450	0	0	83
		476	0	17	68
		485	0	21	25
		493	0	2	24
		505	0	1	11
		506	0	0	62
		507	0	4	25
		515	0	0	20
		516	0	6	96
		526	0	12	39
		528	0	6	53
		529	0	2	66
		901	0	88	55
		930	0	2	72
		932	0	0	20
		946	0	0	70
		951	0	6	13
		957	0	9	61
		961	0	2	02
		963	0	0	20
		964	0	2	02
		975	0	55	16
		1176	0	1	76
		1224	0	0	98
कंटा	194	2786	0	3	76
		2788	0	7	84
		2789	0	3	90
		2790	0	5	15
		2791	0	0	75
		2792	0	0	20
		2793	0	0	20

1	2	3	4	5	6
		2799	0	0	20
		2800	0	7	13
		2801	0	5	75
		2804	0	12	72
		2805	0	5	07
		2806	0	1	23
		2821	0	0	20
		2822	0	8	64
		2823	0	0	20
		2824	0	11	14
		2825	0	0	49
		2826	0	5	36
		2827	0	6	38
		2828	0	10	18
		3289	0	69	24
		3293	0	7	87
		3294	0	4	04
		3301	0	12	95
		3419	0	13	09
		3440	0	20	05
		3441	0	1	02
		3442	0	24	99
		3825	0	1	95
		4061	0	0	63
		4062	0	1	39
		4063	0	1	29
		4064	0	3	60
		4065	0	0	20
		4066	0	9	89
		4073	0	0	98
		4074	0	4	32
		4075	0	2	65
		4076	0	1	81
		4078	0	1	23
		4079	0	2	99
		4080	0	1	62
		4084	0	4	80
		4085	0	4	18
		4111	0	8	15

1	2	3	4	5	6
		4112	0	0	91
		4113	0	6	33
		4228	0	2	48
		4229	0	2	78
		4230	0	0	20
		4241	0	9	47
		4243	0	2	57
		4244	0	0	42
		4246	0	1	95
		4248	0	27	24
		4250	0	6	82
		5001	0	2	46
		5019	0	18	28
		5020	0	16	64
		5023	0	2	85
		5026	0	15	66
		5453	0	13	65
		5456	0	19	22
		5469	0	5	71
		3430/3625	0	17	40
		4084/4739	0	0	20
		4111/4729	0	2	92
माओरा	189	2538	0	10	77
		2543	0	5	18
		2544	0	8	45
		2545	0	0	54
		2546	0	0	29
		2547	0	0	93
		2548	0	0	60
		2550	0	7	86
		2551	0	5	99
		2588	0	6	29
		2592	0	2	51
		2593	0	3	06
		2594	0	5	85
		2595	0	0	20
		2596	0	2	14

1	2	3	4	5	6
		2597	0	4	55
		2598	0	1	67
		2600	0	0	20
		2621	0	15	41
		2622	0	0	74
		2623	0	3	80
		4411	0	1	11
नाकुन्डा	187	4311	0	1	11
		4514	0	10	30
		4515	0	0	32
		4516	0	3	92
		4517	0	1	92
		4518	0	2	32
		4545	0	3	54
		4546	0	4	36
		4547	0	1	55
		4550	0	6	13
		4553	0	7	13
		4555	0	1	11
		4556	0	4	10
		4570	0	6	08
		4571	0	4	01
		4572	0	5	38
		4573	0	0	88
		4575	0	3	02
		4576	0	1	76
		4578	0	5	29
		4579	0	4	23
		4580	0	3	61
		4581	0	4	78
		4582	0	1	16
		4583	0	0	20
		4584	0	0	20
		4605	0	2	97
		4606	0	3	48
		4607	0	7	05
		4616	0	0	61

1	2	3	4	5	6
		4617	0	3	73
		4620	0	5	01
		4621	0	5	06
		4622	0	2	69
		4675	0	3	71
		5970	0	0	52
		5971	0	0	42
		5972	0	0	98
		5973	0	8	15
		5975	0	6	41
		5976	0	1	17
		5980	0	1	11
		5985	0	3	06
		5986	0	4	04
		5987	0	1	89
		5988	0	0	98
		5989	0	1	04
		5990	0	3	34
		5991	0	5	10
		5998	0	5	29
		5999	0	3	80
		6004	0	5	38
		6012	0	3	61
		6031	0	1	48
		6032	0	1	78
		6049	0	1	81
		6050	0	2	78
		6053	0	6	77
		6054	0	5	07
		6058	0	0	20
		6060	0	7	35
		6068	0	1	49
		6069	0	0	78
		6070	0	2	34
		6071	0	3	29
		6072	0	1	62
		6073	0	1	75
		6078	0	3	91
		6084	0	0	20

1	2	3	4	5	6
		6086	0	11	32
		6087	0	0	83
		6163	0	5	94
		6164	0	4	44
		6165	0	2	23
		6166	0	0	20
		6167	0	5	90
		6168	0	1	62
		6242	0	0	88
		6243	0	2	34
		6244	0	4	84
		6245	0	0	15
		6249	0	0	72
		6250	0	0	34
		6251	0	1	98
		6252	0	0	85
		6253	0	1	76
		6258	0	6	46
		6287	0	1	46
		6288	0	2	41
		6289	0	4	70
		6290	0	2	25
		6291	0	0	20
		6380	0	0	28
		6382	0	0	50
		6383	0	0	70
		6385	0	0	81
		6386	0	10	65
		6388	0	0	20
		6389	0	5	71
		6392	0	0	42
		6393	0	5	99
		6394	0	5	16
		6395	0	0	43
		6396	0	6	43
		6397	0	1	70
		6398	0	0	98
		6552	0	0	20
		6553	0	0	30

1	2	3	4	5	6
		6556	0	1	45
डा. श्यामसुन्दर	117	2772	0	0	20
		2773	0	1	81
		2777	0	1	02
		2778	0	8	42
		2779	0	16	57
		2780	0	0	20
		2781	0	7	52
		2784	0	5	99
		2785	0	2	60
		2786	0	0	56
		2787	0	0	20
		2843	0	1	62
		2847	0	5	71
		2848	0	0	20
		2849	0	1	95
		2850	0	3	97
		2851	0	0	98
		2852	0	5	71
		2853	0	0	20
		2859	0	7	24
		2987	0	1	20
		2990	0	4	46
		2991	0	0	93
		2996	0	1	25
		2997	0	2	78
		2998	0	8	00
		2999	0	0	98
		3007	0	8	77
		3008	0	6	41
		3016	0	4	04
		3018	0	0	20
		3019	0	11	63
		3036	0	1	15
		3038	0	3	01
		3039	0	1	67
		3040	0	0	75

1	2	3	4	5	6
		3041	0	3	11
		3045	0	1	30
		3046	0	2	60
कुरमाना	118	1	0	4	18
		2	0	2	32
		6	0	0	20
		21	0	0	20
		22	0	0	20
		23	0	11	56
		24	0	0	20
		368	0	1	11
		401	0	0	28
		403	0	0	24
		404	0	0	98
		405	0	6	77
		407	0	0	79
		412	0	0	20
		413	0	0	20
		419	0	0	70
		420	0	14	57
		421	0	4	50
		422	0	5	94
		423	0	5	80
		424	0	0	28
		425	0	0	20
		455	0	1	11
		456	0	4	08
		457	0	3	90
		458	0	4	87
		459	0	4	97
		462	0	0	98
		478	0	18	36
		497	0	1	90
		498	0	0	20
		499	0	0	20
		501	0	0	58
		502	0	2	72

1	2	3	4	5	6
		503	0	3	29
		504	0	7	71
		506	0	3	71
		507	0	0	20
		508	0	1	59
		647	0	2	74
		664	0	0	60
		677	0	0	53
		678	0	3	23
		729	0	1	30
		730	0	0	89
		731	0	5	57
		732	0	0	52
		734	0	0	20
		735	0	0	73
		739	0	4	48
		740	0	4	64
		741	0	1	67
		743	0	6	68
		745	0	6	82
		746	0	3	34
		748	0	2	27
		846	0	0	23
		847	0	0	32
		848	0	7	98
		849	0	0	47
		850	0	0	20
		852	0	3	16
		853	0	3	06
		854	0	7	17
		855	0	10	40
		873	0	1	46
		875	0	0	20
		876	0	9	65
		879	0	2	46
		880	0	3	90
		881	0	4	90
		883	0	0	20
		885	0	2	84

1	2	3	4	5	6
		886	0	2	30
		887	0	2	78
		888	0	0	98
		890	0	3	76
		891	0	1	16
		902	0	1	25
		1155	0	8	07
		1157	0	4	78
		1158	0	6	54
		1355	0	0	93
		1461	0	2	49
मुनिया	119	1510	0	1	04
		1511	0	1	81
		1536	0	1	76
		1538	0	2	04
		1539	0	16	59
		1544	0	5	43
		1586	0	8	28
		1587	0	5	01
		1588	0	4	90
		1589	0	4	73
कमचि	97	1	0	0	81
		9	0	0	20
		194	0	15	18
		195	0	0	20
		196	0	1	11
		199	0	6	96
		200	0	16	15
		548	0	1	46
		2041	0	5	78
		2042	0	1	58
		2043	0	0	20
		2044	0	5	57
		2047	0	4	73
		2092	0	3	45
		2093	0	13	14

1	2	3	4	5	6
		2094	0	4	23
		2096	0	0	42
		2097	0	0	20
		2098	0	0	20
		2099	0	2	23
		2100	0	2	34
		2101	0	2	78
		2214	0	3	44
		2215	0	10	03
		2216	0	1	00
		2217	0	2	38
		2220	0	5	67
		2221	0	2	82
		2222	0	0	70
		2223	0	1	93
		2224	0	3	44
		2236	0	5	36
		2237	0	1	62
		2239	0	1	02
		2240	0	3	13
		2241	0	0	20
		2244	0	0	20
		2245	0	3	79
		2246	0	0	49
		2247	0	0	23
		2248	0	4	83
		2253	0	8	07
		2254	0	1	04
		2366	0	1	00
		2367	0	8	96
		2368	0	0	20
		2369	0	4	73
		2370	0	2	32
		2374	0	15	31
		2375	0	2	37
		2379	0	4	46
		2380	0	4	32
		2381	0	0	20
		2382	0	6	96

1	2	3	4	5	6
		2491	0	1	88
		2492	0	14	44
		2539	0	14	34
		2540	0	6	41
		2543	0	0	20
		2544	0	0	58
		2546	0	9	89
		2866	0	12	95
		2887	0	3	13
		2888	0	7	24
		2889	0	0	20
		2890	0	0	93
		2891	0	1	43
		2892	0	2	09
		2894	0	0	20
		2896	0	6	96
		2897	0	0	47
		2930	0	9	12
		2932	0	13	50
		2933	0	14	31
		2934	0	3	34
		2935	0	2	55
		2936	0	2	65
		2943	0	0	20
		2954	0	1	74
		2955	0	2	97
		2956	0	4	55
		2957	0	8	54
		2958	0	1	33
		2962	0	2	32
		2973	0	2	09
		2974	0	4	04
		2975	0	2	23
		2992	0	10	16
		2995	0	2	22
		2996	0	3	34
		2997	0	16	54
		2998	0	0	20
		3000	0	0	74

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		3006	0	2	19
		3007	0	2	27
		3009	0	4	18
		3010	0	4	85
		3011	0	1	58
गोघाट	96	4384	0	0	78
		4398	0	22	21
		4421	0	0	20
		4426	0	1	90
		4428	0	2	97
		4429	0	12	32
		4430	0	0	20
		4436	0	3	95
		4437	0	2	37
		4438	0	3	97
		4440	0	12	39
		4445	0	0	47
		4446	0	0	93
		4447	0	1	39
		4451	0	4	87
		4452	0	2	38
		4455	0	5	92
		4456	0	8	22
		4544	0	2	23
		6019	0	2	06
		6729	0	2	51
		6731	0	0	24
		6733	0	7	24
		6738	0	5	29
		6972	0	3	22
		6981	0	8	05
		6984	0	2	78
		6985	0	2	99
		6986	0	12	21
		6987	0	0	20
		7016	0	9	61
		7017	0	2	23

1	2	3	4	5	6
		7018	0	0	76
		7019	0	2	68
		7031	0	0	20
		7032	0	3	41
		7033	0	6	33
		7037	0	5	31
		7038	0	0	37
		7039	0	1	07
		7040	0	0	70
		7044	0	0	42
		7045	0	1	14
		7046	0	3	76
		7047	0	0	20
		7049	0	1	86
		7050	0	2	65
		7051	0	2	92
		7052	0	1	67
		7053	0	4	04
		7062	0	0	20
		7063	0	2	44
		7064	0	6	68
		7065	0	0	20
		7076	0	0	20
		7077	0	16	57
		7078	0	1	49
		7079	0	3	76
		7120	0	3	25
		7126	0	0	20
		7135	0	0	20
		7136	0	1	37
		7140	0	0	47
		7141	0	1	78
		7142	0	3	06
		7143	0	3	62
		7144	0	2	68
		7145	0	3	48
		7146	0	10	02
		7147	0	0	20
		7148	0	2	67

	2	3	4	5	6
		7149	0	0	28
		7150	0	2	23
		7151	0	3	27
		7152	0	5	71
		7153	0	0	65
		7154	0	1	25
		7155	0	0	20
		7168	0	0	20
उत्तर बलरामपुर	71	348	0	5	75
		368	0	1	51
		375	0	0	20
		376	0	4	83
		377	0	4	78
		378	0	0	74
		381	0	0	83
		382	0	10	58
		428	0	0	39
		429	0	2	65
		430	0	2	49
		431	0	2	38
		432	0	2	28
		433	0	1	11
		434	0	1	25
		435	0	0	83
		436	0	0	70
		437	0	0	42
		438	0	0	57
		439	0	0	85
		440	0	1	14
		451	0	1	09
		452	0	0	93
		453	0	0	81
		454	0	1	67
		455	0	3	45
		459	0	0	42
		460	0	2	14
		461	0	0	42

1	2	3	4	5	6
		463	0	0	53
		465	0	0	78
		466	0	1	63
		467	0	2	04
		468	0	0	20
		469	0	0	20
		470	0	14	48
		932	0	0	37
		933	0	6	35
		934	0	1	39
		936	0	1	53
		937	0	1	58
		938	0	1	83
		943	0	4	93
		944	0	5	25
		945	0	0	20
		948	0	6	96
		949	0	3	90
		950	0	3	32
		951	0	0	25
		952	0	5	57
		953	0	3	02
		954	0	0	20
		955	0	5	57
		956	0	5	24
		958	0	2	09
		959	0	0	28
		960	0	1	86
		961	0	4	26
		962	0	1	80
		963	0	1	36
		968	0	0	64
		969	0	1	95
		970	0	1	90
		972	0	0	32
		985	0	3	80
		986	0	2	00
		987	0	1	55
		1008	0	17	54

1	2	3	4	5	6
		1009	0	1	76
		1011	0	1	62
		1012	0	8	22
		1013	0	5	28
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		1310	0	1	95
		1311	0	7	63
		1313	0	7	89
		1314	0	0	98
		1315	0	0	83
		1376	0	4	64
		1377	0	0	98
		1378	0	7	05
		1382	0	3	02
		1386	0	7	56
		1387	0	0	97
		1394	0	4	16
		1395	0	6	41
		1396	0	0	35
		1403	0	2	62
		1404	0	2	90
		1408	0	12	81
		1409	0	9	84
		1410	0	5	75
		1413	0	4	92
		1414	0	0	20
		1415	0	2	78
		1417	0	3	13
		1978	0	10	95
		1979	0	2	82
		1985	0	7	75
		1986	0	1	32
		1987	0	0	98
		1988	0	0	20

1	2	3	4	5	6
		1994	0	0	32
		1995	0	0	20
		2078	0	0	37
		2079	0	0	20
		2082	0	0	52
		3180	0	11	14
		3188	0	0	20
		3189	0	0	20
		3190	0	4	50
		3628	0	1	49
		3840	0	5	12
गोविन्दपुर	57	100	0	00	95
		101	0	02	51
		171	0	00	20
		172	0	06	22
		176	0	01	95
		177	0	03	16
		178	0	09	92
		184	0	11	79
		186	0	00	20
		193	0	00	20
		225	0	03	06
		226	0	01	35
		227	0	10	91
		228	0	00	20
		229	0	01	95
		230	0	05	75
		231	0	08	22
		232	0	03	11
		233	0	08	82
		234	0	00	20
		251	0	02	78
		253	0	07	94
		254	0	06	13
		255	0	04	64
		308	0	02	08
		309	0	00	48

1	2	3	4	5	6
		310	0	00	20
		312	0	00	89
		415	0	03	97
		416	0	13	09
		424	0	00	42
		425	0	02	41
		426	0	00	20
		429	0	00	20
		430	0	08	73
		431	0	00	20
		434	0	09	95
		435	0	04	36
		436	0	02	11
		462	0	00	23
		463	0	00	20
		464	0	07	31
		465	0	07	47
		466	0	00	28
		467	0	04	04
		468	0	01	30
		471	0	01	36
		578	0	02	04
		783	0	01	14
		784	0	02	69
		785	0	02	78
		786	0	05	38
		787	0	01	39
		788	0	03	71
		789	0	07	47
		790	0	01	20
		791	0	08	63
		802	0	04	46
		803	0	01	21
		804	0	00	20
		838	0	05	01
		1184	0	02	45
		1186	0	01	08
		1187	0	01	13
		1188	0	01	49

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		1189	0	09	93
		1191	0	01	00
		1198	0	03	02
		1199	0	01	07
		1200	0	00	74
		1201	0	00	45
		1204	0	05	06
		1206	0	00	20
		1207	0	02	32
		1208	0	00	42
		1209	0	00	20
		1210	0	00	28
		1215	0	00	98
		1216	0	00	28
		1217	0	01	33
		1218	0	01	89
		1221	0	00	20
		1222	0	03	14
		1223	0	02	51
		1224	0	00	48
		1225	0	01	02
		1287	0	13	18
		1289	0	04	32
		1290	0	04	87
		1291	0	00	67
		1292	0	05	75
		1293	0	04	78
		1294	0	00	20
		1374	0	00	37
		1377	0	00	47
		1378	0	08	82
		1380	0	10	58
		1395	0	04	97
		1396	0	00	30
		1397	0	02	32
		1398	0	00	20
		1407	0	15	15
		1408	0	00	20
		1409	0	00	20

1	2	3	4	5	6
		1410	0	05	45
		1424	0	01	74
		1432	0	00	52
		1441	0	00	98
		1442	0	06	54
		1641	0	00	58
		4538	0	03	11
		4540	0	03	17
		4541	0	02	95
		4542	0	00	20
		4543	0	05	07
		4544	0	00	20
		4545	0	00	20
		4546	0	06	96
		4547	0	03	84
		4553	0	06	41
		4554	0	08	26
		4555	0	03	34
		4610	0	00	20
		4611	0	03	40
		4613	0	09	24
		4614	0	08	28
		4619	0	00	20
		4621	0	00	55
		4622	0	15	04
		4666	0	04	61
		4667	0	00	37
		4684	0	01	08
		4693	0	08	17
		4694	0	02	78
		4695	0	06	13
		252/1625	0	00	32
		4684/5396	0	00	57
		4693/5397	0	04	46
बाजुवा	32	4577	0	0	20
		4578	0	0	47
		4580	0	1	25

1	2	3	4	5	6
		4586	0	1	87
सेक्रेटरी	29	35	0	00	63
		36	0	07	63
		37	0	00	20
		38	0	00	72
		39	0	04	59
		40	0	04	18
		41	0	00	20
		45	0	01	86
		46	0	01	75
		47	0	00	95
		48	0	01	69
		49	0	00	28
		50	0	03	27
		51	0	01	95
		55	0	01	95
		56	0	12	04
		59	0	00	20
		60	0	01	70
		61	0	01	99
		62	0	00	20
		63	0	03	76
		67	0	02	17
		68	0	03	80
		70	0	04	51
		71	0	00	21
		74	0	00	70
		75	0	00	93
		76	0	01	74
		104	0	04	99
		106	0	05	01
		107	0	02	61
		112	0	00	28
		113	0	03	57
		114	0	01	62
		115	0	05	35
		116	0	04	07

1	2	3	4	5	6
		164	0	00	20
		166	0	09	98
		167	0	11	56
		168	0	01	51
		169	0	00	79
		177	0	02	04
		239	0	09	38
		240	0	01	51
		245	0	01	02
		246	0	11	85
		247	0	05	48
		248	0	00	65
		252	0	02	04
		253	0	01	35
		687	0	01	42
		696	0	11	32
		697	0	01	11
		698	0	03	71
		699	0	09	53
		703	0	00	42
		704	0	07	50
		705	0	03	94
		706	0	15	88
		708	0	00	20
		710	0	24	50
		716	0	05	85
		723	0	02	00
		724	0	00	37
		868	0	02	04
मन्डलगार्दी	28	97	0	09	58
		99	0	06	01
		101	0	02	78
		102	0	10	72
		103	0	00	42
		114	0	22	33
		125	0	02	88
		127	0	00	95

1	2	3	4	5	6
भादुर	31	683	0	03	76
		684	0	02	92
		685	0	00	89
		686	0	01	73
		688	0	00	73
		692	0	00	98
		695	0	03	57
		696	0	16	48
		706	0	15	18
		716	0	01	08
		718	0	03	52
		719	0	03	32
		721	0	08	13
		884	0	00	23
		886	0	07	61
		887	0	06	61
		889	0	03	71
		890	0	01	51
		891	0	04	55
		892	0	02	00
		903	0	00	57
		904	0	01	10
		905	0	03	44
		906	0	01	86
		907	0	01	73
		908	0	00	20
		914	0	04	90
		915	0	07	28
		918	0	00	20
		919	0	08	73
		953	0	03	13
		954	0	01	28
		958	0	13	63
		959	0	04	14
		964	0	00	41
		976	0	00	20
		977	0	01	37
		978	0	03	51

1	2	3	4	5	6
		979	0	05	34
		980	0	09	52
		981	0	00	20
		984	0	00	23
		985	0	00	43
		986	0	01	43
		987	0	04	16
		1000	0	04	51
		1001	0	00	20
		1005	0	00	20
		1008	0	00	49
		1009	0	03	23
		1010	0	06	33
		1011	0	02	28
		1016	0	00	20
		1017	0	08	26
		1019	0	00	20
		1784	0	02	68
		1787	0	00	20
		3058	0	01	47
		3059	0	05	57
		3060	0	03	99
		3062	0	07	43
		3063	0	00	20
		3065	0	07	94
		3103	0	17	52
		3104	0	02	78
		3105	0	07	33
		3106	0	00	81
		3107	0	02	97
		3159	0	02	65
		3160	0	03	03
		3161	0	05	57
		3165	0	04	59
		3166	0	06	48
		3167	0	04	61
		3169	0	01	53
		3170	0	03	31
		3242	0	05	57

1	2	3	4	5	6
		3243	0	08	65
		3244	0	00	20
		3261	0	00	88
		3265	0	07	17
		3266	0	01	72
		3284	0	02	41
		3285	0	05	57
		3286	0	09	00
		3287	0	00	20
		3289	0	02	78
		3290	0	06	08
		3291	0	05	43
		3292	0	07	43
		3293	0	07	24
		3322	0	00	88
		3323	0	06	87
		3324	0	06	36
		3325	0	00	37
		3337	0	05	35
		3340	0	02	37
		3346	0	03	29
		3347	0	02	37
		3348	0	04	36
		3356	0	02	78
		3357	0	05	64
		3359	0	00	20
		3360	0	00	45
		3361	0	05	43
		3362	0	00	20
		3363	0	00	20
		3364	0	00	73
		3365	0	02	60
		3475	0	09	47
		3476	0	02	12
		3477	0	05	29
		3481	0	06	87
		3482	0	06	13
		4190	0	05	85
		4191	0	00	30

1	2	3	4	5	6
		4192	0	03	62
		4193	0	03	90
		4194	0	00	43
		4195	0	00	20
		4196	0	01	56
		4197	0	09	93
		4198	0	00	72
		4206	0	00	20
		4207	0	00	20
		4208	0	04	46
		4209	0	04	55
		4281	0	00	65
		4289	0	00	20
		4290	0	04	97
		4291	0	02	04
		4292	0	00	20
		4293	0	01	11
		4294	0	05	71
		4295	0	07	52
		4296	0	03	48
		4297	0	01	49
		4373	0	09	05
		4391	0	11	23
		4395	0	12	21
		4401	0	02	04
		4416	0	00	20
		4417	0	15	13
		4689	0	04	73
		4753	0	01	00
		4754	0	02	30
		5801	0	07	52
		5802	0	05	20

[फा. सं. आर. 31015/42/2000-ओ.आर-I]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 5th October, 2001

S.O. 2711.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2296 dated the 17th October, 2000, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of Petroleum (crude) from Haldia in the State of West Bengal to Barauni in the State of Bihar, by Indian Oil Corporation Limited;

And whereas, the copies of the said Gazette notification were made available to the public on 01st November, 2000;

And whereas, the competent authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report, is satisfied that the said land are required for laying of the pipelines for the transport of the petroleum products;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule to this notification are hereby acquired for laying the pipelines;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited, free from all encumbrances.

“Schedule Annexed”

SCHEDULE

Police Station : Goghat		District : Hooghly		State : West Bengal	
Village	Jurisdiction	Plot.	Area		
	List No.	No.	Hectares	Ares	Centiares
1	2	3	4	5	6
Dewanchak	193	157	0	2	46
		158	0	7	28
		450	0	0	83
		476	0	17	68
		485	0	21	25
		493	0	2	24
		505	0	1	11
		506	0	0	62
		507	0	4	25
		515	0	0	20
		516	0	6	96
		526	0	12	39
		528	0	6	53
		529	0	2	66
		901	0	88	55
		930	0	2	72
		932	0	0	20
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Kurmana	118	1	0	4	18
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Sunia	119	1510	0	1	04
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		1544	0	5	43
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Kamche	97	1	0	0	81
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Goghat	96	4384	0	0	78
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		429	0	00	20
		430	0	08	73
		431	0	00	20
		434	0	09	95
		435	0	04	36
		436	0	02	11
		462	0	00	23
		463	0	00	20
		464	0	07	31
		465	0	07	47
		466	0	00	28
		467	0	04	04
		468	0	01	30
		471	0	01	36
		578	0	02	04
		783	0	01	14
		784	0	02	69
		785	0	02	78
		786	0	05	38
		787	0	01	39
		788	0	03	71
		789	0	07	47
		790	0	01	20
		791	0	08	63
		802	0	04	46
		803	0	01	21
		804	0	00	20
		838	0	05	01
		1184	0	02	45
		1186	0	01	08
		1187	0	01	13
		1188	0	01	49

1	2	3	4	5	6
		1189	0	09	93
		1191	0	01	00
		1198	0	03	02
		1199	0	01	07
		1200	0	00	74
		1201	0	00	45
		1204	0	05	06
		1206	0	00	20
		1207	0	02	32
		1208	0	00	42
		1209	0	00	20
		1210	0	00	28
		1215	0	00	98
		1216	0	00	28
		1217	0	01	33
		1218	0	01	89
		1221	0	00	20
		1222	0	03	14
		1223	0	02	51
		1224	0	00	48
		1225	0	01	02
		1287	0	13	18
		1289	0	04	32
		1290	0	04	87
		1291	0	00	67
		1292	0	05	75
		1293	0	04	78
		1294	0	00	20
		1374	0	00	37
		1377	0	00	47
		1378	0	08	82
		1380	0	10	58
		1395	0	04	97
		1396	0	00	30
		1397	0	02	32
		1398	0	00	20
		1407	0	15	15
		1408	0	00	20
		1409	0	00	20

1	2	3	4	5	6
		1410	0	05	45
		1424	0	01	74
		1432	0	00	52
		1441	0	00	98
		1442	0	06	54
		1641	0	00	58
		4538	0	03	11
		4540	0	02	17
		4541	0	02	95
		4542	0	00	20
		4543	0	05	07
		4544	0	00	20
		4545	0	00	20
		4546	0	06	96
		4547	0	03	84
		4553	0	06	41
		4554	0	08	26
		4555	0	03	34
		4610	0	00	20
		4611	0	03	40
		4613	0	09	24
		4614	0	08	28
		4619	0	00	20
		4621	0	00	55
		4622	0	15	04
		4666	0	04	61
		4667	0	00	37
		4684	0	01	08
		4693	0	08	17
		4694	0	02	78
		4695	0	06	13
		252/1625	0	00	32
		4684/5396	0	00	57
		4693/5397	0	04	46
Bajua	32	4577	0	0	20
		4578	0	0	47
		4580	0	1	25

1	2	3	4	5	6
		4586	0	1	87
Sekati	29	35	0	00	63
		36	0	07	63
		37	0	00	20
		38	0	00	72
		39	0	04	59
		40	0	04	18
		41	0	00	20
		45	0	01	86
		46	0	01	75
		47	0	00	95
		48	0	01	69
		49	0	00	28
		50	0	03	27
		51	0	01	95
		55	0	01	95
		56	0	12	04
		59	0	00	20
		60	0	01	70
		61	0	01	99
		62	0	00	20
		63	0	03	76
		67	0	02	17
		68	0	03	80
		70	0	04	51
		71	0	00	21
		74	0	00	70
		75	0	00	93
		76	0	01	74
		104	0	04	99
		106	0	05	01
		107	0	02	61
		112	0	00	28
		113	0	03	57
		114	0	01	62
		115	0	05	35
		116	0	04	07

1	2	3	4	5	6
		164	0	00	20
		166	0	09	98
		167	0	11	56
		168	0	01	51
		169	0	00	79
		177	0	02	04
		239	0	09	38
		240	0	01	51
		245	0	01	02
		246	0	11	85
		247	0	05	48
		248	0	00	65
		252	0	02	04
		253	0	01	35
		687	0	01	42
		696	0	11	32
		697	0	01	11
		698	0	03	71
		699	0	09	53
		703	0	00	42
		704	0	07	50
		705	0	03	94
		706	0	15	88
		708	0	00	20
		710	0	24	50
		716	0	05	85
		723	0	02	00
		724	0	00	37
		868	0	02	04
Mondalganti	28	97	0	09	58
		99	0	06	01
		101	0	02	78
		102	0	10	72
		103	0	00	42
		114	0	22	33
		125	0	02	88
		127	0	00	95

1	2	3	4	5	6
Bhadur	31	683	0	03	76
		684	0	02	92
		685	0	00	89
		686	0	01	73
		688	0	00	73
		692	0	00	98
		695	0	03	57
		696	0	16	48
		706	0	15	18
		716	0	01	08
		718	0	03	52
		719	0	03	32
		721	0	08	13
		884	0	00	23
		886	0	07	61
		887	0	06	61
		889	0	03	71
		890	0	01	51
		891	0	04	55
		892	0	02	00
		903	0	00	57
		904	0	01	10
		905	0	03	44
		906	0	01	86
		907	0	01	73
		908	0	00	20
		914	0	04	90
		915	0	07	28
		918	0	00	20
		919	0	08	73
		953	0	03	13
		954	0	01	28
		958	0	13	63
		959	0	04	14
		964	0	00	41
		976	0	00	20
		977	0	01	37
		978	0	03	51

1	2	3	4	5	6
		979	0	05	34
		980	0	09	52
		981	0	00	20
		984	0	00	23
		985	0	00	43
		986	0	01	43
		987	0	04	16
		1000	0	04	61
		1001	0	00	20
		1005	0	00	20
		1008	0	00	49
		1009	0	03	23
		1010	0	06	33
		1011	0	02	28
		1016	0	00	20
		1017	0	08	26
		1019	0	00	20
		1784	0	02	68
		1787	0	00	20
		3058	0	01	47
		3059	0	05	57
		3060	0	03	99
		3062	0	07	43
		3063	0	00	20
		3065	0	07	94
		3103	0	17	52
		3104	0	02	78
		3105	0	07	33
		3106	0	00	81
		3107	0	02	97
		3159	0	02	65
		3160	0	03	03
		3161	0	05	57
		3165	0	04	59
		3166	0	06	48
		3167	0	04	61
		3169	0	01	53
		3170	0	03	31
		3242	0	05	57

1	2	3	4	5	6
		3243	0	08	65
		3244	0	00	20
		3261	0	00	88
		3265	0	07	17
		3266	0	01	72
		3284	0	02	41
		3285	0	05	57
		3286	0	09	00
		3287	0	00	20
		3289	0	02	78
		3290	0	06	08
		3291	0	05	43
		3292	0	07	43
		3293	0	07	24
		3322	0	00	88
		3323	0	06	87
		3324	0	06	36
		3325	0	00	37
		3337	0	05	35
		3340	0	02	37
		3346	0	03	29
		3347	0	02	37
		3348	0	04	36
		3356	0	02	78
		3357	0	05	64
		3359	0	00	20
		3360	0	00	45
		3361	0	05	43
		3362	0	00	20
		3363	0	00	20
		3364	0	00	73
		3365	0	02	60
		3475	0	09	47
		3476	0	02	12
		3477	0	05	29
		3481	0	06	87
		3482	0	06	13
		4190	0	05	85
		4191	0	00	30

1	2	3	4	5	6
		4192	0	03	62
		4193	0	03	90
		4194	0	00	43
		4195	0	00	20
		4196	0	01	56
		4197	0	09	93
		4198	0	00	72
		4206	0	00	20
		4207	0	00	20
		4208	0	04	46
		4209	0	04	55
		4281	0	00	65
		4289	0	00	20
		4290	0	04	97
		4291	0	02	04
		4292	0	00	20
		4293	0	01	11
		4294	0	05	71
		4295	0	07	52
		4296	0	03	48
		4297	0	01	49
		4373	0	09	05
		4391	0	11	23
		4395	0	12	21
		4401	0	02	04
		4416	0	00	20
		4417	0	15	13
		4689	0	04	73
		4753	0	01	00
		4754	0	02	30
		5801	0	07	52
		5802	0	05	20

No. R-31015/42/2000 OR-I]
S. CHANDRASEKHAR, Under Secy.

नई दिल्ली, 8 अक्टूबर, 2001

का. आ. 2712.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जिला सूरत में हजीरा से जिला भरुच में दहेज तक प्राकृतिक गैस के परिवहन के लिए इंडियन पेट्रोकेमिकल्स कारपोरेशन लिमिटेड द्वारा पाइपलाइन्स बिछाई जानी चाहिए :

और केन्द्रीय सरकार को ऐसा प्रतीत होता है कि उक्त पाइपलाइनें बिछाने के प्रयोजन के लिए उस भूमि में जिसमें उक्त पाइपलाइनें बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित हैं, उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग का अधिकार अर्जित करने के अपने आशय की घोषणा करती है ;

और उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में, यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार के अर्जन या उक्त भूमि में पाइपलाइनें बिछाने के संबंध में आक्षेप लिखित रूप में सक्षम प्राधिकारी इंडियन पेट्रोकेमिकल्स कार्पोरेशन लिमिटेड, ब्लोक नं. 1/3 "कावेरी फ्लेल्ट्स," शेरपुरा— दहेज बायपास रोड, भरुच-392 001, गुजरात को भेज सकेगा ;

अनुसूची

तालुका (तहसील) : ओलपाड

जिला : सूरत

राज्य : गुजरात

क्षेत्र

गाँव का नाम (1)	सर्वेक्षण सं./खंड संख्या या अलान्करी (2)	हेक्टेयर (3)	एकड़ (4)	सेन्टीमर (5)
वडोद	120/ अ - भाग	00	12	23
	120/ ब - भाग	00	11	40
	120/ अ+ब भाग	00	09	32
	केनाल	00	00	65
	केनाल	00	00	40
	95 - भाग	00	24	20
	97 - भाग	00	00	80
	90 - अ+ब भाग	00	20	40
	91 - भाग	00	03	15
	92 - भाग	00	31	50
	88 - भाग	00	01	50
	कार्ट ट्रैक	00	00	60
	61 - भाग	00	27	55
	वडोली खाड़ी	00	05	98
	60 - भाग	00	00	48
	57 - भाग	00	19	74
	56 - भाग	00	14	33
	58 - भाग	00	00	34
	23 - भाग	00	09	90
	24 - भाग	00	08	75
	25 - भाग	00	00	25

New Delhi, the 8th October, 2001

~~Notification~~

S. O. 2712.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of natural gas in the State of Gujarat from Hazira in District Surat to Dahej in District Bharuch, pipelines should be laid by the Indian Petrochemicals Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipelines, it is necessary to acquire the right of user in the land under which the said pipelines are proposed to be laid and which are described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to the competent authority, Indian Petrochemicals Corporation Limited, Block No. 1/3, "KAVERI FLATS", Sherpura – Dahej By Pass Road, Bharuch, 392 001, Gujarat.

SCHEDULE**TALUKA : OLPAD****DIST : SURAT****STATE : GUJARAT**

Name of Village (1)	Survey/Sub Division or Block No. (2)	Area		
		Hectare (3)	Are (4)	Centiare (5)
Vadod	120/A -Part	00	12	23
	120/B - Part	00	11	40
	120/A+B Part	00	09	32
	Canal	00	00	65
	Canal	00	00	40
	95 - Part	00	24	20
	97 - Part	00	00	80
	90 / A+B Part	00	20	40
	91 - Part	00	03	15
	92 - Part	00	31	50
	88 - Part	00	01	50
	Cart Track	00	00	60
	61 - Part	00	27	55
	Vadoli Khadi	00	05	98
	60 - Part	00	00	48
	57 -Part	00	19	74
	56 - Part	00	14	33
	58 - Part	00	00	34
	23 - Part	00	09	90
	24 - Part	00	08	75
	25 - Part	00	00	25

[No. L-14014/11/99-GP (Vol.-IV)]
SWAMI SINGH, Director

नई दिल्ली, 8 अक्टूबर, 2001

का. आ. 2713.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जिला सूरत में हजीरा से जिला भरुच में दहेज तक प्राकृतिक गैस के परिवहन के लिए इंडियन पेट्रोकेमिकल्स कार्पोरेशन लिमिटेड द्वारा पाइपलाइने बिछायी जानी चाहिए ;

और केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग का अधिकार अर्जित करने के अपने आशय की घोषणा तारीख 27 नवम्बर, 1999 को भारत के राजपत्र में प्रकाशित का. अ. सं. 3393 तारीख 11 नवम्बर, 1999 द्वारा की थी ;

और उक्त अधिसूचना में कुछ त्रुटियां पाई गयी हैं ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह समाधान हो जाने पर कि लोकहित में ऐसा करना आवश्यक है, यह निदेश देती है कि इससे उपाबद्ध सारणी के स्तंभ (2) में विनिर्दिष्ट भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचनाओं में से प्रत्येक का उक्त सारणी के स्तंभ 3 में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट रीति से, संशोधन किया जायेगा।;

और उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में, यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार के अर्जन या उक्त भूमि में पाइपलाइनें बिछाने के संबंध में आक्षेप लिखित रूप में सक्षम प्राधिकारी इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लिमिटेड, ब्लाक नं. 1/3 "कावेरी फ्लेल्ड्स," शेरपुरा— दहेज बायपास रोड, भरुच-392 001, गुजरात को भेज सकेगा ;

सारिणी

क्रम सं. (1)	अधिसूचना सं. और तारीख (2)	संशोधन (3)
1.	वा.आ. सं. 3393 तारीख 11 नवम्बर 1999 पृष्ठ 7437	तालुका - ओलपाड, जिला- सूरत से संबंधित गांव वडोद, (i) पंक्ति 1, स्तंभ 2, 3, 4 व 5 में अंक तथा अक्षर "94 भाग 00- 33-60" के स्थान पर अंक तथा अक्षर "94 भाग 00-13-50" क्रमानुसार रखे जाएं।
		(ii) पंक्ति 2, स्तंभ 2, 3, 4 व 5 में अंक तथा अक्षर "96 भाग 00- 30-74" के स्थान पर अंक तथा अक्षर "96 भाग 00-02-00" क्रमानुसार रखे जाएं।
		(iii) पंक्ति 7 हटायी जाये।
		(iv) पंक्ति 8, स्तंभ 2, 3, 4 व 5 में अंक तथा अक्षर "109/अ भाग 00- 06-37" के स्थान पर अंक तथा अक्षर "109/अ+ब भाग 00-17-34" क्रमानुसार रखे जाएं।
		(v) पंक्ति 10, स्तंभ 2, 3, 4 व 5 में अंक तथा अक्षर "110 भाग 00- 00-48" के स्थान पर अंक तथा अक्षर "110 भाग 00-13-00" क्रमानुसार रखे जाएं।

सं. एल. 14014/11/99-जी. पी. (भाग-IV)]

स्थानी सिंह, निदेशक

New Delhi, the 8th October, 2001

S. O. 2713.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of natural gas in the State of Gujarat from Hazira in District Surat to Dahej in District Bharuch, pipelines should be laid by the Indian Petrochemicals Corporation Limited;

And, whereas, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Lands) Act, 1962, (50 of 1962), the Central Government hereby declared its intention on 27th November, 1999, published in the Government of India Gazette vide S.O. No. 3393 Dated 11th November, 1999 to lay a pipeline by Indian Petrochemicals Corporation Limited for transportation of natural gas from Hazira in District Surat to Dahej in District Bharuch.

And, Whereas some errors have occurred in the said Notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government being satisfied that it is necessary in the public interest, so to do, hereby directs that each of the notifications of the Government of India in the Ministry of Petroleum and Natural Gas, specified in the column (2) of the Table hereby annexed, shall be amended in the manner specified in the corresponding entry in column (3) of the said Table.

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to the competent authority, **Indian Petrochemicals Corporation Limited, Block No. 1/3, "KAVERI FLATS", Sherpura – Dahej By Pass Road, Bharuch, 392 001, Gujarat.**

TABLE

Sl. No.	Notification No. and date	Amendment
(1)	(2)	(3)
1	S.O.NO. 3393 dated the 11 th November, 1999 page 7437	In District – Surat, Taluka – Olpad, Village – Vadod,
		(i) In line 1, in columns 2, 3, 4 & 5, for figures and word “94 Part 00-33-60”, the figures and word “94 Part 00-13-50” respectively shall be substituted.
		(ii) In line 2, in columns 2, 3, 4 & 5, for figures and word “96 Part 00-30-74”, the figures and word “96 Part 00-02-00” respectively shall be substituted.
		(iii) Line 7 shall be deleted.
		(iv) In line 8, in columns 2, 3, 4 & 5, for figures and word “109/A Part 00-06-37”, the figures and word “109/A+B Part 00-17-34” respectively shall be substituted.
		(v) In line 10, in columns 2, 3, 4 & 5, for figures and word “110 Part 00-00-48”, the figures and word “110 Part 00-13-00” respectively shall be substituted.

[[No. L-14014/11/99-GP (Vol.-IV)]
SWAMI SINGH, Director

गई दिल्ली 8 अक्टूबर, 2001

का. आ. 2714.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होती हुई कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा सलाया-मथुरा पाइपलाइन प्रणाली “विरमगाम-चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेक्शनों के संवर्द्धन” के कार्यान्वयन हेतु एक पाइपलाईन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त पाइपलाइन बिछाने के लिए, उस भूमि में, जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, और जिसमें पाइपलाईन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि से हितबद्ध कोई व्यक्ति, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियों साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के या भूमि के नीचे पाइपलाईन बिछाने के अधिकार का अर्जन करने के संबंध में लिखित रूप में आक्षेप, श्री सुनील शर्मा, सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, 33, मुक्तानन्द नगर, गोपालपुरा बाई पास के निकट, जयपुर (राजस्थान) को कर सकेगा।

अनुसूची

तहसील: शाहपुरा

जिला: जयपुर

राज्य: राजस्थान

गाँव का नाम	खसरा संख्या	हेक्टेयर	क्षेत्रफल	
			एयर	वर्ग मीटर
1	2	3	4	5
शिवपुरी	8150/8390	0	01	03
	8149	0	06	55
	8146	0	06	25
	8147	0	07	05
	8143	0	00	21
	8142	0	07	03
	8130	0	06	81
	8131	0	09	45
	8129	0	14	81
	8126	0	02	35
	7832	0	19	71
	7804	0	05	22
	7805	0	02	09
	7832/8560	0	03	28
	7831	0	08	93
	7834	0	07	16
	7833	0	02	04
	7847	0	17	05
	7848	0	02	10
	7849	0	00	34
	7897	0	14	41
	7874	0	01	61
	7876	0	04	66
	7882	0	04	73
	7883	0	04	07
	7884	0	04	07
	7925	0	05	67
	7926	0	05	89

1	2	3	4	5
	7927	0	03	03
	7930	0	03	25
	7931	0	06	74
	7934	0	00	20
	7396	0	00	84
	7395	0	04	22
	7394	0	06	06
	7393	0	00	78
	7392	0	04	46
	7389	0	05	17
	7389/8359	0	01	35
	7388	0	00	33
	7390	0	06	27
	7387	0	00	52
	5459	0	08	79
	5463	0	05	72
	5464	0	00	20
	5471	0	01	42
	5472	0	09	08
	5488	0	08	36
	5474	0	00	20
	5485	0	12	52
मनोहरपुर	5417	0	10	53
	5420	0	00	20
	5419	0	02	39
	5398	0	01	41
	5393	0	03	82
	5310	0	01	70
	5311	0	05	92
	5312	0	06	53
	5325	0	00	43
	5324	0	03	05
	5323	0	00	20
	5328	0	04	73
	5329	0	05	91
	5321	0	05	78
	5319/8378	0	08	36
	5319	0	05	39
	5320	0	01	56
	5209	0	07	97
	5210	0	01	22
	5212	0	00	20
	5213	0	07	77
	5223	0	05	12
	5222	0	04	73
	5221	0	06	04
	5216	0	00	50
	5218	0	02	61
	5219	0	04	08
	5220	0	04	50
	5199	0	07	32
	5198	0	07	43
	5196	0	05	94

1	2	3	4	5
	5195/8625	0	08	20
	5194	0	08	91
	3278	0	14	57
	3279	0	02	28
	3288	0	03	08
	3287	0	02	73
कल्याणपुरा	3280	0	02	44
	3293	0	00	93
	3292	0	02	70
	3283	0	03	48
	3291	0	04	10
	3286	0	02	83
	3284	0	06	55
	3387	0	00	33
	3340	0	13	35
	3341	0	08	29
	3343	0	09	68
	3361	0	10	23
	3362	0	18	21
	3402	0	00	20
	3401	0	03	09
	3400	0	09	24
	3397	0	10	29
	3396	0	05	67
	3395	0	05	67
	3394	0	18	48
उदावाला	3570	0	10	12
	3569	0	09	49
	3567	0	19	31
	3553	0	05	53
	3554	0	02	88
	3555	0	13	43
	3558	0	01	07
	3580	0	00	72
	3634	0	07	77
	4354	0	07	54
	4357	0	08	64
	4363	0	08	80
	4364	0	00	20
	4361	0	08	80
	4345	0	00	20
	4349	0	08	99
	4348	0	05	39
	4347	0	05	28
	4303	0	00	20

1	2	3	4	5
	4304	0	18	60
	4298	0	02	75
	4295	0	00	88
	4257	0	00	66
	4276	0	03	38
	4275	0	01	04
	4259	0	07	93
लोचूकाबास	4269	0	02	90
	4261	0	03	12
	4231	0	05	40
	4222	0	01	20
	4220	0	00	80
	4221	0	01	60
	4210/8636	0	01	41
	4210	0	02	31
	4209	0	04	32
निठारा	723	0	02	76
	726	0	04	21
	727	0	01	85
	728/1558	0	00	20
	728	0	01	35
	730	0	02	81
	783	0	02	64
	784	0	03	63
	787	0	02	19
	788	0	00	49
	789	0	02	59
	791	0	00	43
	790	0	02	39
	793	0	02	60
	794	0	00	52
	795	0	03	11
	591	0	01	11
	590	0	00	84
	599	0	00	50
	595	0	03	47
	651	0	01	57
	602	0	02	03
	622	0	02	34
	623	0	00	20
	621	0	01	07
	620	0	01	22
	619	0	00	37
	611	0	00	32
	612	0	02	34

1	2	3	4	5
	364	0	03	33
	416	0	00	21
	417	0	02	58
	420	0	03	14
	419	0	03	28
	1054	0	00	99
	1048	0	10	67
	1047	0	01	27
	1050	0	14	64
	1045	0	04	66
लेटकावास	655	0	18	53
	665	0	09	02
	650	0	00	20
	666	0	06	63
	648	0	02	04
	647	0	03	99
	646	0	03	78
	668	0	01	60
	669	0	01	19
	671	0	02	27
	557	0	01	08
	534	0	06	33
	556	0	00	46
	535	0	04	10
	555	0	02	61
	550	0	02	67
	549	0	02	57
	536	0	00	65
	540	0	00	20
	548	0	00	57
	547/1444	0	04	46
	547	0	03	96
	541	0	03	91
	431	0	03	85
	432	0	02	53
	434	0	03	30
	435	0	00	20
	436	0	04	18
	440	0	04	84
	441	0	05	72
	443	0	06	16
	400	0	05	28
	399	0	04	40
	398	0	03	85
	388	0	15	10

1	2	3	4	5
लाखनी	102	0	03	73
	107	0	03	89
	108	0	02	79
	109	0	00	60
	99	0	00	65
	125	0	01	10
	190	0	01	30
	169	0	00	20
	170	0	02	64
	189	0	01	72
	171	0	05	02
	188	0	00	20
	177	0	03	90
	176	0	00	20
	178	0	05	59
	180	0	06	09
काँट	447	0	09	46
	470	0	04	50
	471	0	03	85
	472	0	04	20
	473	0	00	72
	349	0	00	20
	350	0	02	03
	377	0	00	20
	378	0	01	14
	373	0	00	92
	372	0	00	86
	371	0	00	20
	370	0	00	94
	288	0	00	86
	287	0	00	68
	286	0	00	21
	292	0	00	20
	293	0	00	23
	258	0	00	77
	257	0	00	84
	256	0	03	77
	242	0	00	20
	166	0	03	17
	168	0	01	85
	168/2096	0	02	15
	169	0	01	97
	172	0	00	80
	173	0	00	84
	175	0	00	96

1	2	3	4	5
	174	0	02	49
	132	0	06	71
	131	0	02	41
	133	0	04	06
	102	0	03	96
	101	0	01	32
	89	0	01	54
	74	0	00	20
	91	0	00	29
	92	0	00	82
	41	0	06	44
	42	0	01	17
	43	0	01	10
	45	0	01	44
	46	0	06	73
	39	0	03	08
	35	0	10	69
	36	0	02	07
	34	0	11	77
	10	0	06	83
	9	0	00	22
शाहपुरा	5161	0	00	64
	5158	0	00	77
	5157	0	21	00
	5155	0	00	38
	5080/5637	0	01	89
	5080	0	03	26
	5083	0	00	43
	5084/5677	0	03	60
	5084/5676	0	01	52
	5084/5675	0	00	23
	5089	0	01	32
	5073	0	01	90
	5074	0	03	47
जाजेखुर्द/विशानपुरा	1503	0	03	78
	1489	0	00	24
	1490	0	04	27
	1487	0	04	99
	1484	0	05	26
	1220	0	05	34
	1217	0	09	61
	1229	0	01	55
	1230	0	01	24
	1231	0	01	06
	1232	0	00	99
	1233	0	00	39
	1200	0	00	55
	1198	0	01	23
	1195	0	01	64
	1181	0	03	96
	1182	0	04	55
	1179	0	00	77

1	2	3	4	5
	1171	0	02	24
	1170	0	01	76
	1172	0	02	04
	1160	0	00	69
	1159	0	07	53
	1156	0	06	86
	1154	0	00	43
	1038	0	07	16
	1036	0	05	19
	1037	0	00	99
	1035	0	05	29
	1032	0	02	87
	1031	0	03	19
	1027	0	02	64
	1026	0	02	86
	1024	0	03	60
	1010	0	00	88
	1009	0	00	53
	1008	0	02	03
	983	0	02	25
देवन	500	0	01	08
	499	0	02	28
	501	0	05	72
	514	0	00	69
	502	0	04	44
	503	0	05	61
	504	0	03	08
	505/2898	0	01	76
	495	0	01	10
	494	0	10	49
माधोकाबास	492	0	08	49
	491	0	01	16
	222	0	03	85
	223	0	02	97
	225	0	04	02
	238	0	01	33
	226	0	00	24
	237	0	05	28
	236	0	10	89
	232	0	02	75
	231	0	08	66
	153	0	11	33
	121	0	03	85
	122	0	08	25
	113	0	02	79
	112	0	04	27
	109	0	00	33
	72	0	00	39
	74	0	00	90
	75	0	13	41

New Delhi, the 8th October, 2001

S. O. 2714.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu-Mathura Sections of Salaya Mathura pipeline System";

And whereas, it appears to the Central Government that for the purpose of laying the ~~said~~ pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Sunil Sharma, Competent Authority, Salaya-Mathura Pipeline (Augmentation) Project, Indian Oil Corporation Ltd., 33, Muiktanand Nagar, Near Gopalpura Bye Pass, Jaipur (Rajasthan)

SCHEDULE**Tehsil : Shahpura****District : Jaipur****State : Rajasthan**

Name of Village	Khasra No.	Area		
		Hectare	Are	Sq. mtr.
1	2	3	4	5
Shivpuri	8150/8390	0	01	03
	8149	0	06	55
	8148	0	06	25
	8147	0	07	05
	8143	0	00	21
	8142	0	07	03
	8130	0	06	81
	8131	0	09	45
	8129	0	14	81
	8126	0	02	35
	7832	0	19	71
	7804	0	05	22
	7805	0	02	09

1	2	3	4	5
	7832/8560	0	03	28
	7831	0	08	93
	7834	0	07	16
	7833	0	02	04
	7847	0	17	05
	7848	0	02	10
	7849	0	00	34
	7897	0	14	41
	7874	0	01	61
	7876	0	04	66
	7882	0	04	73
	7883	0	04	07
	7884	0	04	07
	7925	0	05	67
	7926	0	05	89
	7927	0	03	03
	7930	0	03	25
	7931	0	06	74
	7934	0	00	20
	7398	0	00	84
	7395	0	04	22
	7394	0	06	06
	7393	0	00	78
	7392	0	04	46
	7389	0	05	17
	7389/8359	0	01	35
	7388	0	00	33
	7390	0	06	27
	7387	0	00	52
	5459	0	08	79
	5463	0	05	72
	5464	0	00	20
	5471	0	01	42
	5472	0	09	08
	5488	0	08	36
	5474	0	00	20
	5485	0	12	52
Manoharpur	5417	0	10	53
	5420	0	00	20
	5419	0	02	39
	5398	0	01	41
	5393	0	03	82
	5310	0	01	70
	5311	0	05	92
	5312	0	06	53
	5325	0	00	43
	5324	0	03	05
	5323	0	00	20
	5328	0	04	73
	5329	0	05	91
	5321	0	05	78
	5319/8378	0	08	36
	5319	0	05	39

1	2	3	4	5
	5320	0	01	56
	5209	0	07	97
	5210	0	01	22
	5212	0	00	20
	5213	0	07	77
	5223	0	05	12
	5222	0	04	73
	5221	0	06	04
	5216	0	00	50
	5218	0	02	61
	5219	0	04	08
	5220	0	04	50
	5199	0	07	32
	5198	0	07	43
	5196	0	05	94
	5195/8625	0	08	20
	5194	0	08	91
	3278	0	14	57
	3279	0	02	28
	3288	0	03	08
	3287	0	02	73
Kalayanpura	3280	0	02	44
	3293	0	00	93
	3292	0	02	70
	3283	0	03	48
	3291	0	04	10
	3286	0	02	83
	3284	0	06	55
	3387	0	00	33
	3340	0	13	35
	3341	0	08	29
	3343	0	09	68
	3361	0	10	23
	3362	0	18	21
	3402	0	00	20
	3401	0	03	09
	3400	0	09	24
	3397	0	10	29
	3396	0	05	67
	3395	0	05	67
	3394	0	18	48
Udawala	3570	0	10	12
	3569	0	09	49
	3567	0	19	31
	3553	0	05	53
	3554	0	02	88
	3555	0	13	43
	3558	0	01	07
	3560	0	00	72
	3634	0	07	77
	4354	0	07	54
	4357	0	08	64
	4363	0	08	80

1	2	3	4	5
	4364	0	00	20
	4361	0	08	80
	4345	0	00	20
	4349	0	08	99
	4348	0	05	39
	4347	0	05	28
	4303	0	00	20
	4304	0	18	60
	4298	0	02	75
	4295	0	00	88
	4257	0	00	66
	4276	0	03	38
	4275	0	01	04
	4259	0	07	93
Lochukabas	4269	0	02	90
	4261	0	03	12
	4231	0	05	40
	4222	0	01	20
	4220	0	00	80
	4221	0	01	60
	4210/8638	0	01	41
	4210	0	02	31
	4209	0	04	32
Nithara	723	0	02	76
	726	0	04	21
	727	0	01	85
	728/1558	0	00	20
	728	0	01	35
	730	0	02	81
	783	0	02	64
	784	0	03	63
	787	0	02	19
	788	0	00	49
	789	0	02	59
	791	0	00	43
	790	0	02	39
	793	0	02	60
	794	0	00	52
	795	0	03	11
	591	0	01	11
	590	0	00	84
	599	0	00	50
	595	0	03	47
	651	0	01	57
	602	0	02	03
	622	0	02	34
	623	0	00	20
	621	0	01	07
	620	0	01	22
	619	0	00	37
	611	0	00	32
	612	0	02	34

1	2	3	4	5
	364	0	03	33
	416	0	00	21
	417	0	02	58
	420	0	03	14
	419	0	03	28
	1054	0	00	99
	1048	0	10	67
	1047	0	01	27
	1050	0	14	64
	1045	0	04	66
Letkawas	655	0	18	53
	665	0	09	02
	650	0	00	20
	666	0	06	63
	648	0	02	04
	647	0	03	99
	646	0	03	78
	668	0	01	60
	669	0	01	19
	671	0	02	27
	557	0	01	08
	534	0	06	33
	556	0	00	46
	535	0	04	10
	555	0	02	61
	550	0	02	67
	549	0	02	57
	536	0	00	65
	540	0	00	20
	548	0	00	57
	547/1444	0	04	46
	547	0	03	96
	541	0	03	91
	431	0	03	85
	432	0	02	53
	434	0	03	30
	435	0	00	20
	436	0	04	18
	440	0	04	84
	441	0	05	72
	443	0	06	16
	400	0	05	28
	399	0	04	40
	398	0	03	85
	388	0	15	10

1	2	3	4	5
Lakhani	102	0	03	73
	107	0	03	89
	108	0	02	79
	109	0	00	60
	99	0	00	65
	125	0	01	10
	190	0	01	30
	169	0	00	20
	170	0	02	64
	189	0	01	72
	171	0	05	02
	188	0	00	20
	177	0	03	90
	176	0	00	20
	178	0	05	59
	180	0	06	09
Kant	447	0	09	46
	470	0	04	50
	471	0	03	85
	472	0	04	20
	473	0	00	72
	349	0	00	20
	350	0	02	03
	377	0	00	20
	378	0	01	14
	373	0	00	92
	372	0	00	86
	371	0	00	20
	370	0	00	94
	288	0	00	86
	287	0	00	68
	286	0	00	21
	292	0	00	20
	293	0	00	23
	258	0	00	77
	257	0	00	84
	256	0	03	77
	242	0	00	20
	166	0	03	17
	168	0	01	85
	168/2096	0	02	15
	169	0	01	97
	172	0	00	80
	173	0	00	84
	175	0	00	96

1	2	3	4	5
	174	0	02	49
	132	0	06	71
	131	0	02	41
	133	0	04	06
	102	0	03	96
	101	0	01	32
	89	0	01	54
	74	0	00	20
	91	0	00	29
	92	0	00	82
	41	0	06	44
	42	0	01	17
	43	0	01	10
	45	0	01	44
	46	0	06	73
	39	0	03	08
	35	0	10	69
	36	0	02	07
	34	0	11	77
	10	0	06	83
	9	0	00	22
Shahpura	5161	0	00	64
	5158	0	00	77
	5157	0	21	00
	5155	0	00	38
	5080/5637	0	01	89
	5080	0	03	26
	5083	0	00	43
	5084/5677	0	03	60
	5084/5676	0	01	52
	5084/5675	0	00	23
	5089	0	01	32
	5073	0	01	90
	5074	0	03	47
Jojekhurd/Vishanpura	1503	0	03	78
	1489	0	00	24
	1490	0	04	27
	1487	0	04	99
	1484	0	05	26
	1220	0	05	34
	1217	0	09	61
	1229	0	01	55
	1230	0	01	24
	1231	0	01	06
	1232	0	00	99
	1233	0	00	39
	1200	0	00	55
	1198	0	01	23
	1195	0	01	64
	1181	0	03	96
	1182	0	04	55
	1179	0	00	77
	1171	0	02	24

1	2	3	4	5
	1170	0	01	76
	1172	0	02	04
	1160	0	00	69
	1159	0	07	53
	1156	0	06	86
	1154	0	00	43
	1038	0	07	16
	1036	0	05	19
	1037	0	00	99
	1035	0	05	29
	1032	0	02	87
	1031	0	03	19
	1027	0	02	64
	1026	0	02	86
	1024	0	03	60
	1010	0	00	88
	1009	0	00	53
	1008	0	02	03
	983	0	02	25
Devan	500	0	01	08
	499	0	02	28
	501	0	05	72
	514	0	00	69
	502	0	04	44
	503	0	05	61
	504	0	03	08
	505/2898	0	01	76
	495	0	01	10
	494	0	10	49
Madhokabas	492	0	08	49
	491	0	01	16
	222	0	03	85
	223	0	02	97
	225	0	04	02
	238	0	01	33
	226	0	00	24
	237	0	05	28
	236	0	10	89
	232	0	02	75
	231	0	08	66
	153	0	11	33
	121	0	03	85
	122	0	08	25
	113	0	02	79
	112	0	04	27
	109	0	00	33
	72	0	00	39
	74	0	00	90
	75	0	13	41

अन संवत् २

नई दिल्ली, 13 सितम्बर, 2001

का.अ. 2715.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हलदिया डॉक कॉम्प्लेक्स प्रा. लि. के प्रबंधन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुंबई के पंचाट को प्रदर्शित करती है, जो केन्द्रीय सरकार को 11-09-2001 को प्राप्त हुआ था।

[सं. एन-30012/82/99-आई आर (एम)]

बी. एम. डेविड, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 13th September, 2001

S.O. 2715.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the Industrial Guards Services Pvt. Ltd. and their workmen which was received by the Central Government on 11-9-2001.

[No. L-30012/82/99-IR(M)]

B. M. DAVID, Under Secy

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT:

S. N. Saundankar, Presiding Officer.

Reference No. CGIT-115 of 2000

Employers in Relation to the Management of Industrial Guards Services Pvt. Ltd.

The Managing Director,
Industrial Guards Services Pvt. Ltd.,
Gautam Terrace, Basement No. 1 & 2,
M.G. Road,
Naupada,
Thane 400602.

AND

Their Workmen,
The General Secretary,
Oil & Natural Gas Commission (BOP),
Karmachari Sanghatna, Krishna Kunj No. 2,
C Wing, 304, Tambe Nagar, Mulund (W),
Mumbai-400080.

APPEARANCES:

For the Employer: Shri Motwani, Advocate.
For the Workman: In person.

Dated 24th August, 2001

AWARD

The Government of India, Ministry of Labour, by its Order No. L-30012/82/99/IR(M), dated 02-02-2000, have referred the following dispute for adjudication to this Tribunal in exercise of powers conferred on it, by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the action of the management of IGS Pvt. Ltd. Mumbai Mr. D. B. Kanse, Receptionist with effect from 30-4-1999 and not engaging him at 3058/GI/2001—16

ONGC establishment is legal and justified? If not, to what relief the workman concerned is entitled?"

Persuant to notices, workman Mr. D. B. Kanse and the General Manager of Industrial Guards Services Pvt. Ltd. appeared. The workman vide Pursis pointed out that he does not wish to prosecute the reference and therefore, the same be disposed of Management's counsel Mr. Motwani gave no objection to the same. Therefore, the reference deserves to be disposed of and hence the order:

ORDER

Reference stands disposed of for non-prosecution vide Pursis (Ex-8).

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.अ. 2716.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हलदिया डॉक कॉम्प्लेक्स के प्रबंधन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोलकाता के पंचाट को प्रदर्शित करती है, जो केन्द्रीय सरकार को 11-09-2001 को प्राप्त हुआ था।

[सं. एन-32011/2/98-आई आर (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2716.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in Annexure, in the industrial dispute between the employers in relation to the Haldia Dock Complex and their workmen which was received by the Central Government on 11-09-2001.

[No. L-32011/2/98/IR(M)]

[No. L-32011/2/98-IR(M)]

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 20 of 1998

PARTIES:

Employers in relation to the management of the Deputy Chairman, Haldia Dock Complex.

AND

Their Workmen.

PRESENT:

Mr. Justice Bharat Prasad Sharma, Presiding Officer.

APPEARANCES:

On behalf of Management: Mr. P. Naskar, Advocate.
On behalf of Workmen: Mr. M. S. Dutta, Advocate.

STATE: West Bengal INDUSTRY: Port & Dock

AWARD

By Order No. L-32011/2/98/IR(M) dated 29-6-1998 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Haldia Dock Complex in denying employment to Shri Sambhu Nath Bag. Cook is justified? If not, to what relief the workman is entitled?"

2. When the case is called out today, none appears for the union, nor any step is taken on its behalf even though the management is represented by its Advocate. It appears from the record that on the last occasion also none was present for the union. On earlier occasion also the union took time to produce its evidence. It is difficult to proceed with the case in the absence of the union. It can accordingly be concluded that the union/workman is no longer interested to proceed with the matter.

3. In such view of the matter, it can be treated as a case of "No Dispute" and the Tribunal has no other alternative but to pass a "No Dispute" Award to dispose of the reference.

4. A "No Dispute" Award is accordingly passed and the reference is disposed of.

B. P. SHARMA, Presiding Officer

Dated, Kolkata,

The 6th of August, 2001.

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2717.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स मेरीटाइम इंजिनियर्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोलकाता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-2001 को प्राप्त हुआ था।

[सं. एल-32011/17/74-पीडी/सीएमटी/डी-IV (ए)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2717.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Messrs Maritime Engineers and their workmen, which was received by the Central Government on 11-09-2001.

[No. 1-32011/17/74-PD/CMT/D-IV(A)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 43 of 1975

PARTIES :

Employers in relation to the management of Messrs Maritime Engineers, Kolkata.

AND

Their workmen.

PRESENT :

Mr. Justice Bharat Prasad Sharma,
Presiding Officer.

APPEARANCE :

On behalf of Management : None.

On behalf of Workmen : None.

STATE : West Bengal

INDUSTRY : Port & Dock

AWARD

By Order No. 1-32011/17/74-PD/CMT/D-IV(A) dated 8th July, 1975 the Central Government in the Ministry of Labour in exercise of its powers under Section 10(1)(d) of

the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the employers in relation to Messrs Maritime Engineers, Dehi Serampore Road, Calcutta in refusing to employ 86 workmen mentioned in the Annexure hereto, on and from 12-11-1974 is justified? If not, to what relief are the workmen concerned entitled?"

ANNEXURE

OUTDOOR FITTERS

1. N. Eaton.
2. Wang Ten Kwai.
3. Choung Ghou.
4. Rahman Tamang (M.E.).
5. P. Mathanda.
6. Top Key.
7. J. Gomez.
8. S. Kamila.
9. Tim Fook.
10. E.D. 'Cruz.
11. A. K. Barua.
12. P. Thomas.
13. V. Thomas.
14. Valley Thomas.
15. J. D. Rego.
16. Md. Jamil.
17. J. Ahmed (M.E.).
18. M. K. Dey.
19. B. Samanto.

OUTDOOR KHALASIS

20. Nasiruddin (M.E.).
21. Salam Khan.
22. Taj Mohammad.
23. Monsoor Khan (M.E.).
24. Md. Idris.
25. Bodhoo.
26. Md. Khan (Gama).
27. Gaffar (M.E.).
28. Md. Mustaque.
29. Md. Rashid.
30. Md. Khalie.
31. Md. Omar.
32. Kausar Ali.
33. Md. Khalil (Son).

ELECTRICAL

34. Ennamul Hoque.

WORKSHOP FITTERS WORKING OUTDOOR

35. Peter Yep.
36. T. K. Nath.
37. C. R. Das.
38. V. K. Prasad (M.E.).
39. S. K. Manna.
40. Terence Iow.
41. J. Young.
42. V. Godia.
43. Vnian Lou.
44. S. K. Alsi.
45. S. C. Santra.
46. Md. Ibrahim (M.E.).

47. Yankoo (M.E.).
48. Peng Chen.
49. Peng Chuni.
50. Chang Shee Sang (M.E.).
51. Lo Chong (M.E.).
52. Sandip Sen.
53. B. Dey (Stores) (M.E.).
54. Dhapa.
55. F. Ghosh.
56. Richarad Shunna.
57. Nisir Hossain.
58. Gabriel Rotha.
59. Dilip Bhuiya.
60. R. K. Das.
61. B. Das.
62. N. C. Mandal.
63. Chabla Sarma.
64. B. Lal.

WORKSHOP KHALASIS

65. Nizamuddin.
66. Bakar Ali.
67. Md. Khalil.
68. Dhari Chand.
69. Manick Chand.
70. Soumen Halder.
71. Swapan Chakravorty.
72. M. Mukherjee.
73. Joydev Ghose.
74. Ghona.
75. Rameshwar Prosad.
76. Sk. Isrial.

BEARERS

77. Sewnath.
78. Narayan Rao.
79. B. Peter.

DRIVERS

80. Md. Ismail.
81. Md. Yakub.

DURWANS

82. Kanta Pandey.
83. Lalita Pandey.

OFFICE STAFF

84. G. Banerjee.
85. Mendes.
86. T. Sen Gupta.

2. This reference was received by this Tribunal on 22-07-1975 and by an order dated 16-08-1976 the hearing of this case adjourned sine-die till the disposal of the Rule issued in Reference No. 13 of 1975. After I took over charge of this Tribunal, an order was passed on 05-07-2001 to issue notices upon the parties for their appearance today for ascertaining the present position and accordingly notices were issued. But, inspite of service of notices, none of the parties appear to apprise the Tribunal about the present position.

3. Since the reference is a very old one and in the meantime so many years have passed, it is very clear that the parties are no longer interested to proceed with this reference case. As such, no useful purpose will be served in keeping the matter pending any further.

4. In such view of the matter, in the absence of any material for any decision in respect of the schedule under reference, this Tribunal has no other alternative but to dispose of the matter by passing a "No Dispute" Award.

5. A "No Dispute" Award is accordingly passed and the reference is disposed of.

B. P. SHARMA, Presiding Officer

Dated, Kolkata,
The 23rd August, 2001

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2718.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कॉर्पो. के प्रबंधन के संबंध में निम्नलिखित और उनके कामकाजों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-08-2001 को प्राप्त हुआ था।

[सं. एल-30012/3/92-आई आर (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2718.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Bharat Petroleum Corpn. and their workman, which was received by the Central Government on 22-08-2001.

[No. L-30012/3/92-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case No. CGIT/LC/R/173/93

Presiding Officer: Shri K. M. Rai,
Shri Ram Vilash B. Choubey,
through The General Secretary,
Petroleum Employees Union,
Ration Bhavan,
Tilak Road,
Dadar,
Bombay.

... Applicant

Versus

The Sr. O.P.S. Officer,
Bharat Petroleum Corporation,
Gwalior Depot,
Gwalior.
The DGM. (Per.),
Bharat Petroleum Corporation Ltd.,
Bharat Bhavan, 406,
Churchoi Road,
Ballard State,
P.B. No. 688,
Bombay.

... Non-applicants

AWARD

Passed on the 7th day of August, 2001

1. The Government of India, Ministry of Labour vide order No. L-30012/3/92-IR (Misc.) dated 16-8-93 has referred the following dispute for adjudication by this tribunal—

"Whether the action of the management i.e. Sr. O.P.S. Officer, Bharat Petroleum Corporation Gwalior in

terminating the services of Shri Ram Vilash B. Choudhary, Heavy Vehicle Driver Gwahar is justified or not. If not, for what relief the workman is entitled to?"

2. The case for the workman is that he was employed as Heavy Vehicle Driver at Gwahar Depot of Bharat Petroleum Corporation Ltd. and since then he was performing his duty sincerely and honestly. He was served with a false chargesheet dated 23-11-89 in respect to the misconduct of adulterating petrol and diesel transported by him by the tank lorry to the authorised dealer M/s. Sudhir Automobiles at Shivpuri. He had never adulterated the diesel and petrol as alleged by the management. He had submitted his reply to the chargesheet, but his reply was not accepted by the management and the DE was conducted against him.

3. The workman further alleges that he was not supplied with the relevant documents prior to leading evidence by the prosecution in order to put up his defence properly before the Enquiry Officer during the Enquiry by cross-examining the witnesses properly. The Enquiry Officer was biased and therefore he never acted impartially during the course of enquiry proceedings. The prosecution failed to prove the alleged charge of misconduct against him for want of material evidence on record and even then the Enquiry Officer held the charges proved against him. The prosecution has also not proved by its evidence that he had adulterated the diesel and petrol transported by him to the authorised dealer M/s. Sudhir Automobile at Shivpuri. The Panchnama of taking the sample of diesel and petrol from the tank lorry was not prepared in his presence on the spot. The Departmental Enquiry was not conducted in a just and fair manner. The Enquiry Officer had not adopted the principle of natural justice in conducting the DE against him. The Disciplinary Authority wrongly accepted the report of the Enquiry Officer and passed the order of dismissal from service against him which deserves to be quashed. He is entitled to reinstatement with all back wages and other monetary benefits.

4. The case for the management is that the workman was appointed as Heavy Vehicle Driver w.e.f. 11-8-80. He was assigned duty on Corporation's Tank Lorry No. CPW-7479 for delivery of 9 KL HSD (Diesel) and 3 KLs of MS (Petrol) to a dealer M/s. Sudhir Automobiles at Shivpuri. While going to Shivpuri, he deviated from the normal route and asked the cleaner to accompany him to way parking to be picked up later. The said tank lorry was seen at fair price shop dealing in Kerosene oil. Thereafter the police arrested the workman on the way to Shivpuri for the provisions of Essential Commodities Act. Later on the staff of the Bharat Petroleum Corporation and the police officers inspected the tank lorry driven by the workman and found that the top seal of the 14th compartment of the tank lorry was broken and the contents of the said compartment was in excess by 6 cms. The showcause notice was issued to the workman on 25-8-89. He submitted his explanation on 25-8-89 which was not found satisfactory. Thereafter the management served him with the chargesheet of misconduct dated 23-11-89 as under:—

- (a) Gross negligence of work.
- (b) Dishonesty in connection with the Employers business.
- (c) Committing an act subversive of discipline.

5. The management further alleges that the explanation of the workman was not found satisfactory and therefore the Disciplinary Authority decided to hold the DE against him. During the course of DE, the workman had participated in the enquiry before the enquiry officer and submitted his defence properly. He was given all the relevant documents relied on by the prosecution to put up his defence during the enquiry proceedings. The workman effectively cross examined the prosecution witnesses before the Enquiry Officer. The workman had no grievance regarding the DE proceedings. The Enquiry Officer held the charges proved against the workman. His report cannot be said to be perverse. During the enquiry proceedings, it was amply proved from the evidence on record that the workman had deliberately deviated from the normal way and the police had apprehended him on way to Shivpuri. The compartment No. 4 of Tank Lorry was inspected by police and Corporation staff in the presence of the workman and its seal was found broken and the quantity

was found in excess by 6 cms. The charge of misconduct was, therefore properly proved against the workman. The Disciplinary Authority rightly accepted the report of Enquiry Officer and imposed the penalty of dismissal from service which is just and proper. The workman is not entitled to any relief as claimed by him.

6. The following issues arise for decision in this case and my findings thereon are noted hereinafter:—

1. Whether the DE conducted against the workman is just and proper?
2. Whether the management is entitled to lead evidence to prove the alleged misconduct of the workman?
3. Whether the order of dismissal from service passed by the management against the workman is just and proper?
4. Whether the workman is entitled to reinstatement with back wages?
5. Relief and costs?

7. Issues No. 1 & 2:

It has been held by this tribunal on 2-2-99 that the domestic enquiry was conducted legally and properly against the workman. This court has clearly held the DE just and proper and therefore the management is not required to lead any evidence to prove the alleged misconduct of the workman. These issues are answered accordingly.

8. Issues No. 3 & 4:

The DE conducted against the workman has been held to be just and proper. In view of this finding the sole point remains to be decided is as to whether the penalty of dismissal from service imposed by the management against the workman is proportionate to the circumstances of the case or not? Admittedly the workman was employed as a heavy vehicle driver to transport diesel and petrol by corporation's tank lorry to deliver the same to the authorised dealers. Heavy responsibility lay on him in discharging his duty sincerely and honestly. On the relevant day, the workman had to deliver the diesel and petrol to the authorised dealer at M/s. Sudhir Automobiles at Shivpuri. In this connection, the enquiry papers go to show that the workman deviated from the normal route and took the way to a fair price shop which was dealing with kerosene oil. He was not authorised to take the vehicle to such shop. He had deliberately taken the vehicle to that shop with an ulterior motive. On receiving the information, the police apprehended the workman with the tank lorry on way to Shivpuri. The vehicle was inspected by the police officers and the Corporation's staff. The seal of the 4th compartment of the tank lorry was found broken and the contents of the same was found in excess by 6 cms. This very fact goes to show that something was mixed with the petrol and therefore the content of the tanker exceeded by 6 cm. The Enquiry Officer had appreciated the entire circumstantial evidence on record in a proper manner and thereafter he rightly came to the conclusion that the charges of misconduct were proved against the workman. The finding of the Enquiry Officer does not appear to be perverse. The Enquiry Report is well reasoned and supported by the material available in the enquiry proceedings. This court cannot re-appreciate the evidence available during the enquiry proceedings. At the same time, this court cannot sit as a court of appeal over the order of Disciplinary Authority. Taking all these facts into consideration, I find that the Enquiry Officer has rightly held the charges of misconduct proved against the workman. Issue No. 3 is answered accordingly.

9. As far as the quantum of punishment is concerned, I do not find that the management had imposed the penalty of dismissal from service in utter disregard of the circumstances of the case. The conduct of the workman is unbecoming of a dependable employee of the Corporation. The management had lost confidence in him as he himself had caused loss to the management by obtaining gain from his misdeeds. Such a workman does not deserve any leniency in respect of imposition of punishment of dismissal in the instant case. The management had rightly imposed the penalty of dismissal from service which is absolutely proportionate in the circumstances of the case. Issue No. 4 is answered accordingly.

9. Issue No. 5:

In view of my findings given on Issues No. 3 & 4, the workman is not entitled to get any relief as claimed by him. This issue is answered accordingly. On the reasons stated earlier it is held that the D.L. in respect to the charges of misconduct committed by the workman had been properly conducted against him by the management and imposition of penalty regarding dismissal from service is just and proper. The workman is not entitled to any relief as claimed by him.

10. Copy of award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2719:—औद्योगिक विवाद अधिनियम, 1917 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत गोल्ड माइन्स लि. के प्रबंधकों के सदस्य नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम वैभवौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-2001 को प्राप्त हुआ था।

[सं. एन-29015/1/97-अईआर(एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2719.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management BHARAT GOLD MINES LTD, and their workman, which was received by the Central Government on 11-09-2001.

[No. L-29015/1/97-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT
BANGALORE

Dated: 27th August, 2001

PRESENT:

Hon'ble Shri V. N. Kulkarni, B.com. L.I.B.,
Presiding Officer.

CGIT-CUM-LABOUR COURT
BANGALORE

C.R. No. 274/97

I PARTY

Shri Ranjan, The Chairman Cum Managing Director,
No. 83, Bharat Goldmines Limited
G Block, KGF,
Champion Reefs, Kolar Dist.
KGF, (Advocate—Shri A. S. Ropanna)
Kolar District
(Advocate — Shri D. R. V. Bhat.)

II PARTY

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-29015/1/97 IR(Misc) dated 16-10-97 for adjudication on the following schedule:

SCHEDULE

"Whether the Action of the Management of Bharat Gold Mines Ltd. in Dismissing Shri Ranjan, Pump Attender, Mysore Mine, Shri T. Chandra Kumar, General Labour, Mysore Mine, and Shri Pichumthu, Underground Labour, Champion Reef Mine is justified? If not, to what relief the Workmen are entitled?"

2. First Party was working with the second party. First party committed misconduct and enquiry was initiated. On the basis of enquiry report he was dismissed from service and therefore, Industrial Dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. It is the case of the first party that he joined the services of the second party in the year 1968 as Pump Attender. He was hard working and sincere and was discharging his duties entrusted to him with utmost devotion and sincerity. He continued to work with the second party as Pump attendant till he was illegally dismissed from service w.e.f. the year 1982.

5. It is the further case of the first party that in the year 1982 he was not feeling well and he was suffering from fever. He was working regularly at 51 level and on 8-1-1982 the Section Foreman allocated the work of the first party workman at 32 level edger shaft to attend the 32 level pump instead of 51 level. Thereafter the first party requested that he was not well and asked the Section Foreman to not to allot work to him in such a chilled place. In spite of repeated requests by the first party, the Section Foreman did not care about the health of the first party workman and ordered the first party workman to work at 32 level edger shaft and to attend 32 level pump. The first party workman resisted the act of the Foreman and thereafter the foreman got angry on the first party workman and issued charge sheet making false allegations. He has not committed any misconduct.

6. Regarding enquiry it is stated that the enquiry is fair and proper. No reasonable opportunity was given to him to defend the enquiry. The enquiry was in accordance with the standing orders. The witnesses were not allowed to be cross examined by the first party and enquiry officer did not conduct the enquiry in the presence of co-employee. The report of the enquiry officer is not correct and the order of dismissal is illegal and the punishment excessive, harsh and highly disproportionate. First party for these reasons has prayed to pass award in his favour.

7. It is the case the Second Party that the workmen was not hard worker and sincere and all the allegations made by the first party are not correct. On 8-1-1982 Sri Rathiniah Setty, Foreman, Mysore Mine allocated the first party workman for duty at 32 level as a spare man along with a chageman. The first party refused to work. It was informed to him that the allocation was made by the Engineer and therefore insisted the first party workman to work at 32 level pump.

8. It is the further case of the management that the first party workman started abusing the Foreman saying 'Bastard' etc. He also threatened to hit him with Chappel. The first party caught hold of the shirt collar of the Foreman and assaulted him by dashing his body against the door of the inner office. Complaint was given and enquiry was initiated.

9. So far as enquiry is concerned, it is the case of the management that the enquiry is correct and full opportunity was given to the first party and the enquiry was conducted according to the standing orders of the Company. Action of the management is correct. Second party for these reasons has prayed to reject the reference.

10. It is seen from the records that on behalf of the management Mr. V. R. Natarajan was examined and he has given detailed evidence about the enquiry conducted by him.

11. It is seen from the records that the workman has participated in the enquiry.

12. It is seen from the records that this Tribunal by its order dated 9th June, 1999 has held that the Domestic Enquiry is in accordance with law and principles of natural justice.

13. I have heard counsels appearing for the parties. I have considered all the available records before me.

14. Now that the enquiry is held as fair and proper, the first party has failed to establish that the enquiry report is perverse and the finding is based without considering any evidence and the action of the management is illegal. In order to establish these things absolutely we have no material on behalf of the first party.

15. I have perused all the enquiry proceedings and evidences and I am of the opinion that the enquiry report is perfect. There is nothing on records so as to say that the action of the management is illegal. Misconduct is proved and the management has taken action against the first party after holding proper enquiry.

16. Taking all this into consideration I am of the opinion that there is no merit in this reference and accordingly I proceed to pass the following order.

ORDER

The reference is rejected.
(Dictated to PA transcribed by her corrected and signed by me on 27th August, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.प्र. 2720:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नुआसाही क्रोमाइट माईन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-2001 को प्राप्त हुआ था।

[सं. एन-29012/194/98-आईआर(एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2720.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on 11-09-2001.

[No. L-29012/194/98-JR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri S. K. Dhal, OSJS.
(Sr. Branch),
Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 242/2001
Date of concluding of the hearing 30th July, 2001
Date of Passing Award 30th August, 2001

BETWEEN

The Management of Nuasahi Chromite
Mines of M/s. IMFA Ltd.,
Rasulgarh,
Bhubaneswar.

.... 1st Party-Management

AND

Their Workman,
Shri Jadu Ho,
At. Jadabanka,
P.O. Padhiaripally,
Via. Dhanurjaypur,
Dist. Keonjhar.

.... 2nd Party-Workman

APPEARANCES:

Mr. M. R. Mahapatra & For the 1st Party-
Mr. M. R. Kar. Management
None. For the 2nd Party-
Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/194/98-IR(M), dated 20-04 1999:—

"Whether the action of the Management of Nuasahi Chromite Mines of M/s. IMFA in refusing employment of Shri Jadu Ho is legal and justified? If not, to what relief the workman is entitled?"

2. The dispute has been raised at the instance of the 2nd Party-Workman. So the onus lies on him to establish his case by producing either oral or documentary evidence. After he produces materials the 1st Party-Management could challenge the same either by producing oral or documentary evidence. But in this case the Workman has not filed his Claim Statement in support of his case. He has not come to the witness box to give his oral evidence or to exhibit documents in support of his stand that the action taken by the 1st Party-Management is illegal and unjustified.

3. In the circumstances above, when no materials have been produced on behalf of the 2nd Party-Workman, it can be concluded that the Workman has got no grievance against the action taken by the Management and he has got no cause of action. In other words the action taken by the 1st Party-Management is justified and the 2nd Party-Workman is not entitled for any relief.

4. Reference is answered accordingly.
Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.प्र. 2721:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नुआसाही क्रोमाइट माईन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-2001 को प्राप्त हुआ था।

[सं. एन-29012/193/98-आईआर(एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2721.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on 11-09-2001.

[No. L-29012/193/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS,
(Sr. Branch),
Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 243/2001
Date of concluding of the hearing 30th July, 2001
Date of Passing Award 28th August, 2001

BETWEEN

The Management of Nuasahi Chromite
Mines of M/s. IMFA Ltd.,
Rasulgarh,
Bhubaneswar.

.... 1st Party-Management

AND

Their Workman,
Shri Parbati Tanty,
At. Khadanhat,
P.O. Dhanurjyapur,
Via Hadgarh,
Keonjhar.

... 2nd Party-Workman

APPEARANCES :

Mr. M. R. Mahapatra & For the 1st Party-
Management
Mr. M. R. Kar, For the 2nd Party-
Workman
None,

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/193/98-IR(M), dated 20-04-1998 :—

“Whether the action of the management of Nuasahi Chromite Mines of IMFA in refusing employment to Shri Parbati Tanty, is legal and justified? If not, to what relief the workman is entitled?”

2. The dispute has been raised at the instance of the 2nd Party-Workman. So the onus lies on him to establish his case by producing either oral or documentary evidence. After he produces materials the 1st Party-Management could challenge the same either by producing oral or documentary evidence. But in this case the Workman has not filed his Claim Statement in support of his case. He has not come to the witness box to give his oral evidence or to exhibit documents in support of his stand that the action taken by the 1st Party-Management is illegal and unjustified.

3. In the circumstances above, when no materials have been produced on behalf of the 2nd Party-Workman, it can be concluded that the Workman has got no grievance against the action taken by the Management and he has got no cause of action. In other words the action taken by the 1st Party-Management is justified and the 2nd Party-Workman is not entitled for any relief.

4. Reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.ग्रा. 2722:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार में, नुआसाही क्रोमाईट माईन्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रेषित करने हैं, जो केन्द्रीय सरकार को 11-09-2001 को प्राप्त हुआ था।

[न. एल.-29012/192/98-आईआर(एम)]

बी. एम. डेविड, सचिव

New Delhi, the 13th September, 2001

S.O. 2722.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on 11-09-2001.

[No. L-29012/192/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS,
(Sr. Branch),
Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 253/2001
Date of concluding of the hearing 30th July, 2001
Date of Passing Award 24th August, 2001

BETWEEN

The Management of
Nuasahi Chromite Mines of
M/s. IMFA Ltd.,
Rasulgarh,
Bhubaneswar.

.... 1st Party-Management

AND

Their Workman,
Shri Kapura Murmu
At. Haradabadi,
P.O./Via. Hadgarh,
Keonjhar.

.... 2nd Party-Workman

APPEARANCES :

Mr. M. R. Mahapatra & For the 1st Party-
Management
Mr. M. R. Kar, For the 2nd Party-
Workman
None,

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/192/98-IR(M), dated 22-04-1999 :—

“Whether the action of the Management of Nuasahi Chromite Mines of M/s. IMFA in refusing employment to Shri Kapura Murmu, is legal and justified? If not, to what relief the workman is entitled?”

2. In spite of intimation sent by the Government of India (Ministry of Labour) and notice issued from this Tribunal the 2nd Party-Workman has not filed his Claim Statement. He has also not taken part in the proceeding to support his case by producing either oral or documentary evidence. This would suggest that the Workman has got no cause of action and he is not entitled for any relief. On the other words in absence of any materials produced on behalf of the Workman

I am of the opinion, that the action taken by the Management is justified. The Workman is not entitled for any relief.

3. Reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2723 — औद्योगिक विवाद अधिनियम, 1917 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, नुआसाही क्रोमाईट साइन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-01 को प्राप्त हुआ था।

[सं. एल-29012/191/98-आई आर (एम)]
बी.एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2723.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on 11-09-2001.

[No. L-29012/191/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri S. K. Dhal, OSJS,
(Sr. Branch),
Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No 255/2001
Date of concluding of the hearing 30th July, 2001
Date of Passing Award 24th August, 2001

BETWEEN

The Management of Nuasahi Chromite
Mines of M/s. IMFA Ltd.,
Rasulgarh,
Bhubaneswar. 1st Party-Management

AND

Their Workman,
Shri Deepak Kumar Dutta.
At Khondabhat,
P.O. Padhiarpalli,
Via. Dhanuriyapur,
Keonjhar. 2nd Party Workman

APPEARANCES:

Mr. M. R. Mahapatra & For the 1st Party-
Mr. M. R. Kar, Management
None. For the 2nd Party-
Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute

for adjudication vide their Order No. L-29012/191/98-IR(M), dated 22-04-1999:—

"Whether the action of the Management of Nuasahi Chromite Mines of M/s. IMFA in refusing employment to Shri Deepak Kumar Dutta, is legal and justified? If not, to what relief the workman is entitled to?"

2. In spite of intimation sent by the Government of India (Ministry of Labour) and notice issued from this Tribunal the 2nd Party-Workman has not filed his Claim Statement. He has also not taken part in the proceeding to support his case by producing either oral or documentary evidence. This would suggest that the Workman has got no cause of action and he is not entitled for any relief. On the other words in absence of any materials produced on behalf of the Workman I am of the opinion, that the action taken by the Management is justified. The Workman is not entitled for any relief.

3. Reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2724 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, नुआसाही क्रोमाईट साइन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-01 को प्राप्त हुआ था।

[सं. एल-29012/110/98-आई आर (एम)]
बी.एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2724.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on 11-09-2001.

[No. L-29012/110/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri S. K. Dhal, OSJS,
(Sr. Branch),
Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 207/2001
Date of concluding of the hearing 30th July, 2001
Date of Passing Award 27th August, 2001

BETWEEN

The Management of Nuasahi Chromite
Mines of M/s. IMFA Ltd.,
Rasulgarh,
Bhubaneswar. 1st Party-Management

AND

Their Workman,
Smt. Rehati Dehuri,
At/Po. Padhiarpalli,
Via. Dhanuriyapur,
Keonjhar. 2nd party-Workman

APPEARANCES:

Mr. M. R. Mahapatra & For the 1st Party-
 Mr. M. R. Kar. Management
 None. For the 2nd Party-
 Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/11098/IR(M), dated 13-01-1999:—

"Whether the action of the management of Nuasahi Chromite Mines of IMFA Ltd. in terminating the service of Smt. Reba Devi Mazdoor, without any charges and in violation of the principles of natural justice and provision of Industrial Disputes Act, 1947 is justified and legal? If not, to what relief the workman is entitled?"

"Whether the demand of the workman Smt. Reba Devi Mazdoor, Nuasahi Chromite Mines of IMFA Ltd. for reinstatement with full back wages is justified? If so, to what relief the workman is entitled?"

2. In spite of intimation sent by the Government of India (Ministry of Labour) and notice issued from this Tribunal the 2nd Party-Workman has not filed her Claim Statement. She has also not taken part in the proceeding to support her case by producing either oral or documentary evidence. This would suggest that the Workman has got no cause of action and she is not entitled for any relief. On the other words in absence of any materials produced on behalf of the Workman I am of the opinion, that the action taken by the Management is justified. The Workman is not entitled for any relief.

3. Reference is answered accordingly.
 Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2725:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नुआसाही क्रोमाईट माईन्स के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-2001 को प्राप्त हुआ था।

[सं. एल-29012/116/98-आई आर (एम)]
 बी.एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2725.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government, Industrial Tribunal-cum-Labour Court, Bhubaneswar (ORISSA) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s Nuasahi Chromite Mines and their workmen which was received by the Central Government on the 11-9-2001.

[No. L-29012/116/98/IR(M)]
 B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
 CUM-LABOUR COURT BHUBANESWAR

3058 GI/2001—17

PRESENT:

Shri S. K. Dhal, OSJS, (Sr. Branch),
 Presiding Officer, C.G.I.T.-cum-Labour,
 Court, Bhubaneswar.
 Tr. INDUSTRIAL DISPUTE CASE NO. 213/2001
 Date of concluding of the hearing 30th July, 2001
 Date of passing Award 29th August, 2001

BETWEEN:

The Management of Nuasahi Chromite Mines of
 M/s. IMFA Ltd., Rasulgarh, Bhubaneswar. ... 1st Party-
 Management.

(And)

Their Workman, Shri Bata Pradhan,
 At. Kuradhighasa, P.O. Kahaliagadhi,
 Dhanurjyapur., Dist. Keonjhar. ... 2nd Party-Workman.

APPEARANCES:

Mr. M. R. Mahapatra & Mr. M. R. Kar. ... For the 1st
 Party-Management.
 None. ... For the 2nd Party-Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/116/98/IR(M), dated 13-1-1999:—

"Whether the action of the management of Nuasahi Chromite Mines of IMFA Ltd. in terminating the services of Shri Bata Pradhan, Mazdoor, without any charges and provisions of Industrial Disputes Act, 1947 is justified and legal? If not, to what relief the workman is entitled?"

"Whether the demand of the workman Shri Bata Patra, on Nuasahi Chromite Mines of IMFA Ltd. for reinstatement with full back wages is justified? If so, to what relief the workman is entitled?"

2. The dispute has been raised at the instance of the 2nd Party-Workman. So the onus lies on him to establish his case by producing either oral or documentary evidence. After he produces materials the 1st Party-Management could challenge the same either by producing oral or documentary evidence. But in this case the Workman has not filed his Claim Statement in support of his case. He has not come to the witness box to give his oral evidence or to exhibit documents in support of his stand that the action taken by the 1st Party-Management is illegal and unjustified.

3. In the circumstances above, when no materials have been produced on behalf of the 2nd Party-Workman, it can be concluded that the Workman has got no grievance against the action taken by the Management and he has got no cause of action. In other words the action taken by the 1st Party-Management is justified and the 2nd Party-Workman is not entitled for any relief.

4. Reference is answered accordingly.
 Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2726:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नुआसाही क्रोमाईट माईन्स के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-2001 को प्राप्त हुआ था।

[सं. एल-29012/120/98-आई आर (एम)]
 बी.एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2726.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on 28-08-2001.

[No. L-29012/120/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri S. K. Dhal, OSJS,
(Sr. Branch),
Presiding Officer,
C G I T-cum-Labour Court,
Bhubaneswar.
Tr. Industrial Dispute Case No. 216/2001
Dated, Bhubaneswar, the 3rd August, 2001

BETWEEN

The Management of Nuasahi Chromite
Mines of M/s. IMFA Ltd.,
Rasulpurh,
Bomikhal,
BBSR.

.... 1st Party-
Management

AND

Their Workman,
Smt. Gona Naik,
At/Po. Kusari,
Dist. Balasore.

... 2nd Party-
Workman

APPEARANCES:

Mr. M. K. Mahapatra & For the 1st Party-
Mr. M. R. Kar. Management
None. For the 2nd Party-
Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/120/98-IR(M) dated 13-1-1999:—

"Whether the action of the management of Nuasahi Chromite Mines of IMFA Ltd., in terminating the services of Smt. Gona Naik, Mazdoor, without any charge and violating the principles of natural justice and provisions of Industrial Disputes Act, 1947 is justified and legal? If not, to what relief the workman is entitled to?"

"Whether the demand of the workman Smt. Gona Naik on Nuasahi Chromite Mines of IMFA Ltd. for reinstatement with full back wages is justified? If so, to what relief the workman is entitled to?"

While making reference intimation was also sent to the Management and the Workman to file their respective claim statements before this Tribunal with fifteen days from the date of receipt of the reference. The reference was made on 13-1-1999. The Tribunal on receipt of the reference also issued notices to the parties. In spite of direction of the Tribunal and the Government of India (Ministry of Labour), the workman has not made her appearance before the Tribunal and she has not filed her statement of claims. Notice was duly served on her but she did not take any step to take part in the proceeding and to place her case before the Tribunal to answer the reference. Since, 1999 the reference could not be answered in absence of the workman and for not taking any step, by her.

3. The above circumstances would suggest that no dispute exists between the parties and the workman has got no cause of action and that she has got no materials in support of her case.

4. Hence, no dispute award is passed and the workman is not entitled for any relief.

5. The reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2727.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. नुसाही क्रोमाईट माईन्स के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-2001 को प्राप्त हुआ था।

[सं. एल-29012/125/98-आईआर (एम)]

बी.एम. डेविड, अवसर सचिव

New Delhi, the 13th September, 2001

S.O. 2727.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mine and their workmen which was received by the Central Government on 11-09-2001.

[No. L-29012/125/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri S. K. Dhal, OSJS,
(Sr. Branch),
Presiding Officer,
C G I T-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 221/2001
Date of concluding of the hearing 25th July, 2001
Date of Passing Award 17th August, 2001

BETWEEN

The Management of Nuasahi Chromite
Mines of M/s. IMFA Ltd.,
Rasulpurh,
Bhubaneswar.

.... 1st Party-
Management

AND

Their Workman,
Miss. Tulsi Naik,
At. Baranarka,
Padharipalli,
Vid. Dharnurjyapur,
Keonjhar.

.... 2nd Party-
Workman

APPEARANCES:

Mr. M. K. Mahapatra & For the 1st Party-
Mr. M. R. Kar. Management
None. For the 2nd Party-
Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of Sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/125/98-IR(M), dated 12-01-1999:—

"Whether the action of the management of Nuasahi Chromite Mines of IMFA Ltd. in terminating the services of Miss Tulsi Naik without any charge and violating the principles of natural justice and provisions of Industrial Disputes Act, 1947 is legal and justified? If not, to what relief the workman is entitled to?"

"Whether the demand of the workman Miss Tulsi Naik on Nuasahi Chromite Mines of IMFA Ltd. for reinstatement with full back wages is justified? If so, to what relief the workman is entitled?"

2. While making reference intimation was also sent to the 1st Party-Management and the 2nd Party-Workman to file their respective Claim Statements before this Tribunal within fifteen days from the date of receipt of the reference. The reference was made on 12-1-1990. The Tribunal on receipt of the reference also issued notice to the parties. In spite of direction of the Tribunal and the Government of India (Ministry of Labour), the workman has not made her appearance before the Tribunal and she has not filed her statement of claims. Notice was duly served on her but she did not take any step to take part in the proceeding and to place her case before the Tribunal to answer the reference. Since, 1999 the reference could not be answered in absence of the workman and for not taking any step by her.

3. The above circumstances would suggest that no dispute exists between the parties and the workman has got no cause of action and that she has got no materials in support of her case.

4. Hence, no dispute award is passed and the workman is not entitled for any relief.

5. The reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2728.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार नुआसाही क्रोमाइट माईन्स के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-2001 को प्राप्त हुआ था।

[सं. एल-29012/127/98-आईआर (एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2728.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workman which was received by the Central Government on 11-09-2001.

[No. L-29012/127/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri S. K. Dhal, OSJS,
(Sr. Bench),
Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 223/2001

Date of concluding of the hearing 25th July, 2001

Date of Passing Award 17th August, 2001

BETWEEN

The Management of Nuasahi Chromite
Mines of M/s. IMFA Ltd.,
Rasulgarh,
Bhubaneswar.

.... 1st Party-
Management

AND

Their Workman,
Shri Biswajit Rout,
At. Khudarhat,
P.O. Dhanurjajpur,
Keonjhar.

.... 2nd Party-
Workman

APPEARANCES:

Mr. M. K. Mahapatra & For the 1st Party-
Mr. M. R. Kar. Management

None. For the 2nd Party-
Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/127/98-IR(M), dated 12-01-1999:—

"Whether the action of the management of Nuasahi Chromite Mines of IMFA Ltd. in terminating the services of Shri Biswajit Rout, Mining Mate, without any charge and violating the principles of natural justice and provisions of Industrial Disputes Act, 1947 is justified and legal? If not, to what relief the workman is entitled to?"

"Whether the demand of the workman Shri Biswajit Rout on Nuasahi Chromite Mines of IMFA Ltd. for reinstatement with full back wages is justified? If so, to what relief the workman is entitled?"

2. While making reference intimation was also sent to the 1st Party-Management and the 2nd Party-Workman to file their respective Claim Statements before this Tribunal within fifteen days from the date of receipt of the reference. The reference was made on 12-1-1999. The Tribunal on receipt of the reference also issued notice to the parties. In spite of direction of the Tribunal and the Government of India (Ministry of Labour), the workman has not made his appearance before the Tribunal and he has not filed his statement of claims. Notice was duly served on him but he did not take any step to take part in the proceeding and to place his case before the Tribunal to answer the reference. Since 1999 the reference could not be answered in absence of the workman and for not taking any step by him.

3. The above circumstances would suggest that no dispute exists between the parties and the workman has got no cause of action and that he has got no materials in support of his case.

4. Hence, no dispute award is passed and the workman is not entitled for any relief.

5. The reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.प्रा. 2729.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. नुआसाही क्रोमाइट माईन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-2001 को प्राप्त हुआ था।

[सं. एल-29012/129/98-आईआर (एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2729.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on 11-09-2001.

[No. L-29012/129/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri S. K. Dhal, OSJS,
(Sr. Branch),
Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 224/2001
Date of concluding of the hearing 25th July, 2001
Date of Passing Award 20th August, 2001

BETWEEN

The Management of Nuasahi Chromite
Mines of M/s. IMFA Ltd.,
Rasulgarh,
Bomikhal,
Bhubaneswar.

.... 1st Party-
Management

AND

Their Workman,
Shri Dhambardhar Patra,
At. Baniparka,
P.O. Padiharipalli,
Keonjhar.

.... 2nd Party-
Workman

APPEARANCES:

Mr. M. K. Mahapatra &
Mr. M. R. Kar.
None.

.... For the 1st Party-
Management.... For the 2nd Party-
Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/129/98-IR(M), dated 12-01-1998 :—

“Whether the action of the Management of Nuasahi Chromite Mines of M/s. IMFA Ltd. in terminating the services of Shri Dhambardhar Patra, Operator without any charges and violating the principles of natural justice and provisions of Industrial Disputes

Act, 1947 is justified and legal? If not, to what relief the workman is entitled to?”

“Whether the demand of the workman Shri Dhambardhar Patra, Nuasahi Chromite Mines of IMFA Ltd. for reinstatement with full back wages is justified? If so, to what relief the workman is entitled to?”

2. While making reference intimation was also sent to the 1st Party-Management and the 2nd Party-Workman to file their respective Claim Statements before this Tribunal within fifteen days from the date of receipt of the reference. The reference was made on 12-1-1999. The Tribunal on receipt of the reference also issued notice to the parties. In spite of direction of the Tribunal and the Government of India (Ministry of Labour), the workman has not made his appearance before the Tribunal and he has not filed his statement of claims. Notice was duly served on him but he did not take any step to take part in the proceeding and place his case before the Tribunal to answer the reference. Since 1999 the reference could not be answered in absence of the workman and for not taking any step by him.

3. The above circumstances would suggest that no dispute exists between the parties and the workman has got no cause of action and that he has got no materials in support of his case.

4. Hence, no dispute award is passed and the workman is not entitled for any relief.

5. The reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.प्रा. 2730.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केरल मिनेरल्स एंड मेटल्स लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोल्लम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-2001 को प्राप्त हुआ था।

[सं. एल-29012/80/95-आईआर (एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2730.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kollam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kerala Minerals and Metals Ltd. and their workman, which was received by the Central Government on 11-9-2001.

[No. L-29012/80/95-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, KOLLAM

PRESENT:

Sri P. Ramachandran Nair, Presiding Officer.

Friday, the 29th day of December 2000/Sith Pousha 1922

INDUSTRIAL DISPUTE NO. 1/96(C)

BETWEEN

The Managing Director
Kerala Minerals and Metals Ltd.,
Chavara P.O. Pin Code : 691583,
Quilon Dist., Kerala State

.. Management.

AND

Sri S. Sasidharan Nair,
Sree Nilayam, C.P.X. 13,
N.C.C. Road, Peroorkada P.O.
Thiruvananthapuram-695005,
Kerala State

.. Workman.

REPRESENTATIONS :

- (1) U.K. Ramakrishnan, & P.V. Lohithakshan and G. Rajendran Nair,
Menon & Menon, Advocates,
Kochi-16 .. For the management.
(2) Sri R. Lekshmana Iyer,
Advocate, Thiruvananthapuram .. For the workman.

AWARD

As per Order No. L-29012/30/95-IR(Misc.) dated 5-12-95 the Government of India referred an 'industrial dispute' between the management of M/s. Kerala Minerals and Metals Ltd., (hereinafter referred to as 'the management') on the one part and Sri S. Sasidharan Nair (No. 040340) Operator Grade-B (hereinafter referred to as the 'workman') on the other to this Labour Court for adjudication. The issue referred for such adjudication was:

"Whether the termination of the service of Sri S. Sasidharan Nair (No. 040340) Operator Grade-B by the management of K.M.M. Ltd., Chavara w.e.f. 29-8-91 is legally valid and justified? If not, to what relief the workman is entitled?"

2. Pursuant to the reference and the summons intimating the date of hearing of the dispute in this court both the management and the workman entered appearance through their respective advocates. Subsequently they filed their respective pleadings also.

3. M/s. Kerala Minerals and Metals Ltd., (the management involved in this dispute owns two units viz. : (1) the Titanium Dioxide Pigment Unit and (2) Mineral Separation Unit. Sri S. Sasidharan Nair (the 'workman' involved in this dispute) was employed as an operator Grade-B in one of the plant of the Pigment Unit. In January, 1991 he had completed 7 years of service under the management. The service conditions of the workmen of the Pigment Unit are governed by the 'Standing Orders' appended to Ext. M1 file (vide : Sheets 154 to 176). On 15-7-1991 the workman made an application to the management for 'leave without allowance' for 3 years so as to enable him to take up an assignment in 'Saudi Arabia'. According to him the management used to sanction such leave without any hesitation to employees in the technical cadre also who wanted to go abroad to take up assignment there. In view of this, the workman fairly expected that his request for leave also would be granted as a matter of course especially when such leave was already granted to six other employees similarly placed in the technical cadre. Because the period of 'Visa' was about to expire, without waiting for receipt of the order of sanction the workman went abroad and took up employment there. On the expectation that leave would be granted, along with the workman eight other employees also took up employment abroad without prior permission. But, this time the management took a different standard and refused the leave asked for by the workman citing a Government circular dated 3-5-91. The management then asked the workman and eight other similarly went abroad for taking up assignment there to resume duty in the company. Three of the 9 employees then resumed duty. Due to reasons beyond their control six out of the nine were not able to rejoin duty. The management then initiated disciplinary action against all the six including the workman. In the domestic enquiry two employees participated. The remaining four including the workman remained *ex parte*. After the enquiry the Enquiry Officer held (i) that the workman was absenting from work without leave from 29-8-1991; (ii) that he committed breach of rules and regulations framed by the company and (iii) that he committed act subversive of discipline. The management accepted the findings of the enquiry officer and as per order dt. 22-8-92 terminated the service of the workman with effect from 29-8-1991. This termination from service is the genus of this labour dispute.

4. In the claim statement submitted by the workman the above order of termination is challenged. The main grounds

urged in support of the claim that the dismissal order is invalid are : (i) that copy of the enquiry report was not furnished to the workman for his comments before the management accepted the adverse findings recorded in the enquiry report. Imposition of a punishment of discharge or dismissal from service without furnishing the copy of the enquiry report and without affording an opportunity to the workman to offer his comments is in gross violation of the rules of natural justice; (ii) termination of service imposed as a punishment for an alleged misconduct with retrospective effect can be made only if the rules or standing order of the concerned establishment permit such a course. In this case the standing orders do not empower the management to pass such an order. As the termination of service of the workman in this case was retrospective in effect it is illegal; (iii) the *ex parte* enquiry conducted by the Enquiry Officer without considering the request of the workman for grant of time for participation of the enquiry amounted to violation of rules of natural justice. Apart from the above challenge the workman contends that on any score, the punishment of termination from service imposed on the workman is shockingly disproportionate to the gravity of the misconduct. The workman therefore prays for his reinstatement in service with full back wages.

5. The following are the main contentions urged by the management. The management being a Government undertaking is bound to obey the directions of the Government issued from time to time. Regarding grant of leave without salary to employees in public sector undertakings the management is bound to follow the Government Order No. 10523/33/90/ID dated 16-8-1990. Subsequently as per Order No. 12396/43/91/ID dated 19-4-1991 the Government informed the management that technical persons working in the plant need not be given long leave for taking up employment abroad. Based on this order of the Government the management issued a circular dated 3-5-1991 stating that the circular dated 16-8-1990 will not be applicable to technical employees working under the management and they will not therefore be granted leave for taking up employment abroad. The application for leave submitted by the workman was dated 15-7-1991 and in view of the fact that the circular was dated 3-5-1991 the management was not in a position to grant leave asked for by the workman. The management, accordingly informed the workman that his request for grant of leave without pay and allowances for 3 years for taking up employment abroad cannot be acceded to. In spite of this the workman absented from attending duty from 29-8-1991 without leave. In the above circumstances the management issued a letter dated 17-9-1991 to the workman requiring him to show cause why his lien on the post should not be treated as having forfeited for his continued absence since 29-8-1991. But the letter was returned with the endorsement "Addressee left India". The management thereafter issued a charge sheet dated 4-11-1991 to the workman. The workman was informed through this charge sheet that if no explanation is received from the workman within 3 days from the date of receipt of the charge sheet, it shall be presumed that he has no explanation to offer and further action will be taken on that basis. This 'charge sheet' was also returned with the endorsement "Addressee left India". The charge sheets issued to the other workers who absented themselves from attending duty on similar background were also returned with the same endorsement. Thereafter the management published the charge sheets in a Malayalam Newspaper dated 7-12-1991. Seeing this publication the workman and similarly placed others submitted a joint explanation dated 9-12-1991 expressing their inability to report duty in view of the contract signed by them with the foreign employer. The management felt that the said explanation is unsatisfactory and therefore ordered a joint enquiry against all those workers. Individual notices and paper publications were issued to all the employees by the Enquiry Officer. But only two of them participated in the enquiry. Against the remaining workers including the workman involved in this proceedings, the enquiry was proceeded *ex parte*. After holding the enquiry the Enquiry Officer submitted his report to the management. Before the management took its decision on the enquiry report, three of the charge sheeted employees who participated in the domestic enquiry reported for duty. They were therefore exonerated from disciplinary action. The management, after considering the enquiry report in regard to the remaining six employees, concurred with the findings of the enquiry officer that all these six employees are guilty of grave misconduct and therefore they were awarded the punishment of termination from service. The workman involved in this dispute was one

among those six who were so punished. According to the management the allegation of the workman that before 1991, six other employees belonging to technical cadre in the service of the management were granted leave without allowance for overseas employment in per se misleading. According to them those six employees were granted leave while granting of leave was governed by circular dated 16-8-1990 of the Government. But when the workman and his companions applied for long leave for taking up employment abroad the position changed and the grant of leave was governed by Government Order dated 19-4-1991 and circular dated 3-5-91 of the management. As the workman was well aware of the circular dated 3-5-1991 there is no merit in his claim that he expected that leave would be sanctioned to him in due course. Out of the six workers one (namely Mohammed Rawther) was an officer of the Minerals Separation Unit which is independent of Titanium Dioxide Pigment Unit. As he was not governed by the circular dated 3-5-91 leave was granted to him. Similarly the claim of the workman that in the matter of grant of leave the management showed discrimination to him is also not true. According to the management the grant of leave to Sri P. K. Mohan was as per order of the Government dated 31-12-1991 and that his application too was prior to the issuance of circular dated 3-5-1991. According to the management the proposition of law stated by the workman regarding furnishing of copy of enquiry report before imposing punishment has no application to facts of this case. Here in spite of notice the workman remained *ex parte* throughout the enquiry. He having boycotted or rather ignored the domestic enquiry is not entitled to get copy of the enquiry report. That apart, since there is no provision for appeal against the disciplinary action no prejudice has been caused to the workman by the non-supply of copy of the enquiry report. Apart from the above contentions the management contends that the domestic enquiry held was proper and that it does not violate any principle of natural justice. In short the contention of the management is that the termination of service of the workman is proper and hence there is no scope for interference by the Labour Court.

6. Before hearing the dispute the file relating to domestic enquiry produced by the management was marked as Ext. M1 as it formed part of material on record. No other evidence was adduced.

7. Now the point that arises for consideration is whether the termination of service of the workman was justified or not?

8. The point :—The material facts are not in dispute. The workman was a permanent technical workman in Pigment Unit of the Titanium Dioxide Plant of the Management Company which is a Public Sector Undertaking. On 15-7-1991 he applied for leave without pay and allowances to go abroad for taking up a temporary assignment there. As far as grant of leave without pay and allowances to the employee of Public Sector Undertaking the issue was initially governed by circular No. 10523/J3/90/ID dated 16-8-1990. It did not prohibit grant of such leave even to technical persons. However, in April 1991 the Government informed the management that the management having a complicated technology, technical persons working in the plant need not be given long leave for taking up employment abroad. It is claimed that based on the above Government order the management issued a circular on 3-5-91 stating that circular dated 16-8-90 will not be applicable to technical employees working under the management and they will not therefore be granted leave for taking up employment abroad. As the application of the workman was subsequent to 3-5-91, the management refused to grant leave to him. In the meanwhile, thinking that leave will be granted as a matter of course the workman and few other technical workers who applied for leave left India to take up employment in the foreign country. From the pleadings it is not clear as to when the leave applied for was rejected. However from 29-8-91 the workman absented from attending duties in the management company. His colleagues in the Pigment Unit, who also applied for leave to take up employment in a foreign country, also absented from attending duties. Obviously all of them went abroad in the hope that their application for leave would be granted. However, it appears that the management rejected their applications as well. On 17-9-91 the management issued a letter to the workman requiring him to show cause as to why his lien on the post

should not be treated as having forfeited for his continued absence from 29-8-1991. This letter was however returned with the postal endorsement, "Addressee left India". The letters issued to the other 7 employees were also returned with similar endorsement. When the management issued 'Charge sheet' they also were returned with similar endorsement by the postal authorities. Thereafter when the management published the charge sheet in a daily news paper these workmen responded to the charge sheet.

9. They informed the management that since they already entered into a contract of employment with the foreign employer for the time being they are unable to report for duty in the management company. It appears from the statement in para 5 of the written statement of the management that altogether, including the workman, 11 employees absented from attending duties in the management company and all of them were charge sheeted. The charge sheet was published in a daily newspaper. All of them saw the paper publication and submitted their response in a similar terms. The management was not satisfied with this explanation and hence a joint domestic enquiry was ordered against all the eleven employees. In the domestic enquiry two of the eleven employees participated. They were allowed by the management to join duty. Accordingly they gave up foreign employment and rejoined duty in the management company. As regards the remaining 9 the enquiry was *ex parte*. The enquiry was completed in that fashion. However, before a final decision is taken, in May, 1992 three of the remaining 9 charge sheeted employees returned to India and joined duty. The disciplinary proceedings against them was therefore dropped. Now there remained only six employees. The disciplinary enquiry against them was proceeded *ex parte* and finally they were awarded with the punishment of 'termination from service'. The workman was one among those six. Even after the award of the above punishment one among those six employees namely Mohamed Rawther was granted leave on the premise that he is an officer of Mineral Separation Unit. It appears that only the 'Order of termination' passed against the workman had come into force and the remaining orders are pending before the Industrial Tribunal for confirmation. The whole dispute has to be looked into in this background.

10. Before going into the merits I would like to point out one material plea raised by the workman in his claim statement. That plea is as follows:

"It is submitted that copy of the enquiry report was not furnished to this workman, for his comments before the management had accepted the adverse findings recorded in the enquiry report. Without giving this workman an opportunity to submit his case against the enquiry report, the management had accepted the findings of the enquiry officer and had also imposed the punishment on him as evidence by the order of dismissal dated 22-8-1992."

According to the workman the above procedure followed by the management is in gross violation of the rules of natural justice causing serious prejudice to the workman. For this reason alone the order of dismissal is liable to be set aside.

11. Regarding the above plea the contention of the management in part 10 of the written statement is as follows:

"The proposition of law stated by the workman in his claim statement regarding furnishing of copy of enquiry report before imposing punishment has no application to the facts and circumstances of this case. It may be pointed out that the workman herein had not chosen to participate in the domestic enquiry in spite of the fact that notice of enquiry was published by the enquiry officer in the Malayalam Manorama daily dated 10-3-1992. Two employees who were also charge-sheeted for similar misconduct have reported for duty after quitting their foreign employment and participated in the domestic enquiry upon getting information about the charge sheet. Three other employees also have reported for duty before finalising the disciplinary action against them pursuant to the charge sheet. The workman herein had chosen to

continue his foreign employment ignoring the charge sheet and the ensuing domestic enquiry into charges levelled against him. In such a situation the workman cannot allege that the management had violated rules of natural justice causing serious prejudice to him. In fact, the workman who had stayed away from the domestic enquiry cannot turn round and say that principles of natural justice have been violated as the copy of the enquiry report was not furnished to him by the management before taking a decision on the punishment which is going to be imposed. The workman who had boycotted the domestic enquiry or rather ignored the domestic enquiry is not entitled to get a copy of the enquiry report. It is pertinent to point out that the certified standing orders of the management does not enable the workman to get a copy of the enquiry report and the management is not liable to furnish a copy of the enquiry report to the workman. There is no provision for appeal against the disciplinary action taken by the management under the certified standing orders. Therefore even if it is assumed (without admitting) that the workman is entitled to get a copy of the enquiry report before the management take a decision on punishment, no prejudice is caused to the workman in the instant case. The proposition of law stated by the workman in paragraph 7(i) of the claim statement therefore has no application to the facts of the above case.

12. It is true that the Standing Orders does not provide for furnishing the copy of the enquiry report to the delinquent employee and asking him to furnish his remarks. But the question whether the management is bound to follow such a procedure is no more res-integra. This question was considered by the Supreme Court in Union of India Vs F. Fashyan (1988 Labour and Industrial Cases 1702 (S.C.). Although the case related to a Government employee the requirement of Article 311(2) of the Constitution can be engrafted in the procedure of disciplinary action under the industrial law. In the above case the question was whether failure of the management to supply a copy of enquiry report to the delinquent employee before the disciplinary authority imposes the punishment of dismissal on him would constitute violation of Article 311(2) of the constitution and also of the principles of natural justice. A two-judge Bench of the Court took the view that in the event of failure of the employer to furnish the report, the delinquent is deprived of crucial and critical material which is to be taken into account by the disciplinary authority. The Enquiry Officer does no more than to furnish the relevant material including his own assessment regarding guilt of the employee to assist the disciplinary authority who makes the order of punishment. The non-supply of copy of the report would therefore constitute violation of rules of natural justice as it will tantamount to denial of reasonable opportunity as required by Article 311(2) of the Constitution as well as the rules of natural justice. The court also pointed out that requirement of supplying a copy of the enquiry report to the delinquent to enable him to point out the anomaly if any, before the punishment of dismissal is imposed by the disciplinary authority, is different from serving a second show cause notice against the penalty to be imposed.

13. The effect of the above holding would be in all cases where an employee could show that he was not supplied with the report of the Enquiry Officer before imposing the punishment he will be entitled to reinstatement.

14. Apart from the above ground there are other grounds also justifying reinstatement. Absence without leave is the misconduct alleged against the workman and 8 others. The management condoned the misconduct of 5 persons on the ground that they expressed their willingness to rejoin service before termination of the disciplinary proceedings. Two or three persons against whom disciplinary proceedings were initiated were also allowed to rejoin service under some other pretext. Only against the workman the dismissal order had come into force. I feel that if the management has condoned the misconduct against some, there is no justification in not condoning the same against the workman. As a whole I feel that the management did not act impartially and on that ground also the disciplinary punishment against the workman has to be set at naught.

I therefore pass an award on the following terms:

The domestic enquiry and the dismissal order passed against the workman based on that enquiry are hereby set aside. The management is directed to take him back in service without back wages.

Dated this the 29th day of December, 2000.

P. RAMACHANDRAN NAIR, Presiding Officer
APPENDIX

Exhibit marked on the side of the management.

Ext. M1. Enquiry file.

Exhibits marked on the side of the workman.

Ext. W1. Letter dated 14-3-1992 from the workman to the management.

Ext. W2. Postal receipt dated 14-3-1992.

नई दिल्ली, 13 सितम्बर, 2001

का. अ. 2731.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नुआसाही क्रोमाइट माइन्स के प्रबंधन के संबंध में निदेशित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट की प्रकाशित कन्ती है, जो केन्द्रीय सरकार को 11-09-01 को प्राप्त हुआ था।

[सं. एल-29012/27/98-आई आर (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2731.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on 11-09-2001.

[No. L-29012/27/98-IR/M]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM LABOUR COURT, BHUBANESWAR

PRESENT:

Shri S. K. Dhal, OSJS,
(Sr. Branch),
Presiding Officer,
CGIT-cum-Labour Court,
Bhubaneswar

T. Industrial Dispute Case No 184/2001

Date of concluding of the hearing 30th July, 2001

Date of Passing Award 29th August, 2001

BETWEEN

The Management of Nuasahi Chromite
Mines of M/s. IMFA Ltd.,
Rajnagarh,
Bhubaneswar

... 1st Party-Management

AND

Their Workman,
Shri Shridhar Padhuria
At Nubhalinal,
P.O. Raighati,
Via. Dhanurajpur,
Keonjhar.

2nd Party-Workman

APPEARANCES:

Mr. M. R. Mahapatra &
Mr. M. R. Kar, For the 1st Party-
Management
None, For the 2nd Party-
Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/027/98-IR(M), dated 20-08-1998 :—

"Whether the action of the Management of Nuasahi Chromite Mines of IMFA in terminating the services of Shri Sridhar Padhuria, Mazdoor, without any charge and in violating the principles of natural justice and provisions of Industrial Disputes Act, 1947 is justified/legal? If not, to what relief the workman is entitled?"

2. The dispute has been raised at the instance of the 2nd Party-Workman. So the onus lies on him to establish his case by producing either oral or documentary evidence. After he produces materials the 1st Party-Management could challenge the same either by producing oral or documentary evidence. But in this case the Workman has not filed his Claim Statement in support of his case. He has not come to the witness to give his oral evidence or to exhibit documents in support of his stand that the action taken by the 1st Party-Management is illegal and un-justified.

3. In the circumstances above, when no materials have been produced on behalf of the 2nd Party-Workman, it can be concluded that the Workman has got no grievance against the action taken by the Management and he has got no cause of action. In other words the action taken by the 1st Party-Management is justified and the 2nd Party-Workman is not entitled for any relief.

4. Reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

क्र.सं. 2732.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नुआसाही क्रोमाइट माईन्स के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-
कार, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-01 को प्राप्त हुआ था।

[सं. एल-29012/26/98-आई आर (एल)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 13th September, 2001

S.O. 2732.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on 11-09-2001.

(No. L-29012/26/98-IR(M))
B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri S. K. Dhal, OSJS,
(Sr. Branch),
Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 183/2001

Date of concluding of the hearing 30th July, 2001
Date of Passing Award 30th August, 2001

BETWEEN

The Management of Nuasahi Chromite
Mines of M/s. IMFA Ltd.,
Rasulgarh,
Bhubaneswar. . . . 1st Party-Management.

AND

Their Workman,
Shri Chandramani Jailal,
At. Nuabalipal,
P.O. Raighati,
Via. Dhanurajpur,
Dist. Keonjhar. . . . 2nd Party-Workman

APPEARANCES:

Mr. M. R. Mahapatra &
Mr. M. R. Kar. For the 1st Party-
Management
None, For the 2nd Party-
Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/026/98-IR(M), dated 20-08-1998 :—

"Whether the action of the Management of Nuasahi Chromite Mines of IMFA in terminating the services of Shri Chandramani Jailal, Mazdoor, without any charge and in violating the principles of natural justice and provisions of Industrial Disputes Act, 1947 is justified/legal? If not, to what relief the workman is entitled to?"

2. The dispute has been raised at the instance of the 2nd Party-Workman. So the onus lies on him to establish his case by producing either oral or documentary evidence. After he produces materials the 1st Party-Management could challenge the same either by producing oral or documentary evidence. But in this case the Workman has not filed his Claim Statement in support of his case. He has not come to the witness box to give his oral evidence or to exhibit documents in support of his stand that the action taken by the 1st Party-Management is illegal and un-justified.

3. In the circumstances above, when no materials have been produced on behalf of the 2nd Party-Workman, it can be concluded that the Workman has got no grievance against the action taken by the Management and he has got no cause of action. In other words the action taken by the 1st Party-Management is justified and the 2nd Party-Workman is not entitled for any relief.

4. Reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.अ. 2733.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, नुआसाही क्रोमाइट माइन्स के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-01 को प्राप्त हुआ था।

[स. एल-29012/2/99-आई आर (एम)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2733.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on the 11-09-2001.

[No. L-29012/2/99-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS,
(Sr. Branch),
Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 263/2001
Date of concluding of the hearing 30th July, 2001
Date of Passing Award 27th August, 2001

BETWEEN

The Management of Nuasahi Chromite
Mines of M/s. IMFA Ltd.,
Rasulgarh,
Bhubaneswar. 1st Party-Management.

AND

Their Workman,
Shri Adhikand Naik,
At Rungudahi,
P.O. Bangalore,
Via. Hadgarh,
Keonjhar. 2nd Party Workman.

APPEARANCES :

Mr. M. R. Mahapatra &
Mr. M. R. Kar. For the 1st Party-
Management
None For the 2nd Party-
Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/002/99/IR(M), dated 08-05-1999 : -

"Whether the action of the Management of Nuasahi Chromite Mines of M/s. IMFA in refusing employment to Shri Adhikand Naik, is legal and justified? If not, to what relief the workman is entitled?"

3048 GI/2001-18

2. In spite of intimation sent by the Government of India (Ministry of Labour) and notice issued from this Tribunal the 2nd Party-Workman has not filed his Claim Statement. He has also not taken part in the proceeding to support his case by producing either oral or documentary evidence. This would suggest that the Workman has got no cause of action and he is not entitled for any relief. On the other words in absence of any materials produced on behalf of the Workman I am of the opinion, that the action taken by the Management is justified. The Workman is not entitled for any relief.

3. Reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.अ. 2734.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, नुआसाही क्रोमाइट माइन्स के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-01 को प्राप्त हुआ था।

[स. एल-29012/6/98-आई आर (एम)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2734.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on the 11-09-2001.

[No. L-29012/6/98-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS,
(Sr. Branch),
Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 180/2001
Date of concluding of the hearing 30th July, 2001
Date of Passing Award 27th August, 2001

BETWEEN

The Management of Nuasahi Chromite
Mines of M/s. IMFA Ltd.,
Rasulgarh,
Bhubaneswar. 1st Party-Management

AND

Their Workman,
Shri Abhaya Patra,
At Godapakhav,
P.O. Guapal,
Via Kupari,
Balasore. 2nd Party-Workman

APPEARANCES :

Mr. M. R. Mahapatra &
Mr. M. R. Kar. For the 1st Party-
Management
None. For the 2nd Party-
Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/006/98-IR(M), dated 28-07-1998 :-

"Whether the demand of Shri. Abhaya Patra, Wagon Drill Machine Operator of Nuasahi Chromite Mines of IMFA for reinstatement with full back wages is justified? If so, to what relief the workman is entitled?"

2. In spite of intimation sent by the Government of India (Ministry of Labour) and notice issued from this Tribunal the 2nd Party-Workman has not filed his Claim Statement. He has also not taken part in the proceeding to support his case by producing either oral or documentary evidence. This would suggest that the Workman has got no cause of action and he is not entitled for any relief. On the other words in absence of any materials produced on behalf of the Workman I am of the opinion, that the action taken by the Management is justified. The Workman is not entitled for any relief.

3. Reference is answered accordingly.
Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली 13 सितम्बर, 2001

का.प्र. 2735.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नुआसाही क्रोमाईट माइन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-01 को प्राप्त हुआ था।

[सं. एल-29012/21/98-आई आर (एम)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 13th September, 2001

S.O. 2735.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on the 11-9-2001.

[No. L-29012/21/98/IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri S.K. Dhal, O.S.J.S., (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

Tr. INDUSTRIAL DISPUTE CASE NO. 185/2001

Date of concluding of the hearing 30th July 2001

Date of Passing Award 28th August 2001

BETWEEN

The Management of Nuasahi Chromite Mines of
M/s. IMFA Ltd., Rasulgarh, Bhubaneswar.
.. 1st Party-Management.

AND

Their Workman, Smt. Purmi Patra,
At/Po. Padhiari Pelly, Via Dhanuajaypur,
Keonjhar. .. 2nd Party-Workman.

APPEARANCES :

Mr. M.R. Mahapatra & Mr. M.R. Kar.
.. For the 1st Party-Management.
None. .. For the 2nd Party-Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-29012/021/98/IR(M), dated 21-8-1998 :-

"Whether the demand of Smt. Purmi Patra, Mazdoor, Nuasahi Chromite Mines of IMFA for reinstatement with full back wages is justified? If so, to what relief the workman is entitled to?"

2. The dispute has been raised at the instance of the 2nd Party-Workman. So the onus lies on her to establish her case by producing either oral or documentary evidence. After she produces materials the 1st Party-Management could challenge the same either by producing oral or documentary evidence. But in this case the Workman has not filed her Claim Statement in support of her case. She has not come to the witness box to give her oral evidence or to exhibit documents in support to her stand the action taken by the 1st Party-Management is illegal and unjustified.

3. In the circumstances above, when no materials have been produced on behalf of the 2nd Party-Workman, it can be concluded that the Workman has got no grievance against the action taken by the Management and she has got no cause of action. In other words the action taken by the 1st Party-Management is justified and the 2nd Party-Workman is not entitled for any relief.

4. Reference is answered accordingly.
Dictated and Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.प्र. 2736.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नुआसाही क्रोमाईट माइन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-01 को प्राप्त हुआ था।

[सं. एल-29012/23/98-आई आर (एम)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 13th September, 2001

S.O. 2736.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the Industrial Dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on the 11-9-2001.

[No. L-29012/23/98/IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, BHUBANESWAR
PRESENT :

Shri S.K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.
Tr. INDUSTRIAL DISPUTE CASE NO. 189/2001
Date of concluding of the hearing 30th July 2001
Date of Passing Award 28th August 2001

BETWEEN

The Management of Nuasahi Chromite Mines of
M/s. IMFA Ltd., Rasulgarrh, Bhubaneswar.
.. 1st Party-Management.

AND

Their Workman, Smt. K. Tanty,
At. Banusagaria, P.O. Haripur,
Via. BT Pur, Balasore. .. 2nd Party-Workman.

APPEARANCES :

Mr. M.R. Mahapatra and Mr. M.R. Kar.
.. For the 1st Party-Management.
None. .. For the 2nd Party-Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-29012/023/98/IR(M), dated 17-9-1998 :—

"Whether the demand of Smt. Tanty, Mazdoor, Nuasahi Chromite Mines of IMFA for reinstatement with full back wages is justified? If so, to what relief the workman is entitled to?"

2. The dispute has been raised at the instance of the 2nd Party-Workman. So the onus lies on her to establish her case by producing either oral or documentary evidence. After she produces materials the 1st Party-Management could challenge the same either by producing oral or documentary evidence. But in this case the Workman has not filed her Claim Statement in support of her case. She has not come to the witness box to give her oral evidence or to exhibit documents in support of her stand that the action taken by the 1st Party-Management is illegal and un-justified.

3. In the circumstances above, when no materials have been produced on behalf of the 2nd Party-Workman, it can be concluded that the Workman has got no grievance against the action taken by the Management and she has got no cause of action. In other words the action taken by the 1st Party-Management is justified and the 2nd Party-Workman is not entitled for any relief.

4. Reference is answered accordingly.

Dictated and Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2737.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में सेडको फोरेक्स (इ.) ड्रिलिंग इन्कोर्पोरेशन के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-01 को प्राप्त हुआ था।

[सं. एल-29011/48/2000-आई आर (एम)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 13th September, 2001

S.O. 2737.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Industrial Tribunal-cum-Labour Court, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Sedco Forex Intl. Drilling Inc. and their workmen which was received by the Central Government on the 11-9-2001.

[No. L-29011/48/2000-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. II, MUMBAI

PRESENT :

S. N. Saundankar, Presiding Officer.

REFERENCE NO. CGIT-2/118 of 2000.

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF M/S. SADCO FOREX INTL. DRILLING INC.,

The General Manager,
501, Balarama, Bandra-Kurla Complex,
Bandra, Mumbai 400051.

AND

Their Workmen.

Mr. S.C. Iteera,
Sivelly House,
PO Cheruvallor,
Via Koratti, Trichur
Distt. Kerala.
Keonjhar 680321.

APPEARANCES :

For the Employer : Mr. R. N. Salgaonkar, Advocate.

For the Workmen : Mr. George Kurian, Advocate.

Mumbai, Dated 8th August, 2001

AWARD

The Government of India, Ministry of Labour, by its Order No. L-29011/48/2000/IR(M), dated 24-10-2000, have referred the following dispute for adjudication to this Tribunal in exercise of powers conferred on it by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10, of the Industrial Disputes Act, 1947.

"Whether the action of the management of M/s. Sedco Forex Intl. Drilling Inc., Mumbai in terminating the employment of Mr. S.O. ITEERA, an ex-Derrickman III w.e.f. 19-10-1998 is legal and justified? If not, what relief the workman concerned is entitled to?"

2. Pursuant to the notice workman Mr. S.O. Iteera, filed his Statement of Claim (Exhibit-7). On behalf of management M/s. Sedco Forex Intl. Drilling Inc., Advocate Shri R.N. Salgaonkar appeared vide Vakalatnama (Exhibit-12). Consequently matter was fixed for filing Written Statement by the management on 8-8-2001. Both the parties vide application (Exhibit-14) requested to take the matter on board and that vide purshis (Exhibit-15) workman Mr. S.O. Iteera contended that he is not interested in perusing the reference and the same be disposed of. The Learned Counsel for the management Mr. Salgaonkar gave 'No Objection'. Since the workman does not wish to proceed with the matter following order is passed:

ORDER

Reference stands disposed of for non prosecution vide purshis (Exhibit-15).

S. N. SAUNDANKAR, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2 AT MUMBAI

Reference No. CGIT-2/118 of 2000

M/s. Sedco Forex Intl., Drilling Inc.

AND

Their workmen.

I, S.O. Itiera, the concerned workman above named do hereby swear and declare that I am not interested in pursuing the above reference about my reinstatement with the Company. I therefore pray that the above reference may be disposed off for non-prosecution

Place : Mumbai.

Date : 27-7-2001.

S. O. Itiera
I know the workman

No Objection.

27th July 2001

27th July, 2000.

Avadhoot
Savant
Personnel
Administrator

(Advocate for first party Co.)

27th July, 2000
Advocate Samant
Personnel Administration

नई दिल्ली, 13 सितम्बर, 2001

का.ग्रा. 2738.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बाऊला क्रोमाइट माईन्स के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-01 प्राप्त हुआ था।

[सं. एल-29012/24/98-आई आर (एम)]
बी. एम. डेविड, अव्वर सचिव

New Delhi, the 13th September, 2001

S.O. 2738.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the Baula Chromite Mines and their workmen which was received by the Central Government on the 11-9-2001.

[No. L-29012/24/98/IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
BHUBANESWAR

Present :

Shri S. K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour,
Court, Bhubaneswar.

Tr. INDUSTRIAL DISPUTE CASE NO
220/2001

Date of concluding of the hearing 25th July, 2001

Date of Passing Award 17th August, 2001
Between :

The Management of the Director Baula,
Chromite Mines of ICC Ltd. At. Rasulgarh,
Bomikhal, Bhubaneswar-751001. 1st
Party-Management.

AND

Their Workman, Shri Rabindra Mahakud,
At. Jadabank, P. O. Padhiaripalli,
Keonjhar. 2nd Party-Workman

Appearances :

Mr. M. K. Mahapatra, & Mr. M. R. Kar.
... For the 1st Party-Management.
Nonc. ... For the 2nd Party Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/24/98/IR(M), dated 12-01-1999 :—

“Whether the action of the management of Baula Chromite Mines of ICC Ltd. in terminating the services of Shri Rabindra Mahakud, Mazdoor, without any charges and in violation of the principles of natural justice and provisions of the Industrial Disputes Act, 1947 is justified and legal ? If not, to what relief the workman is entitled to ?”

“Whether the demand of the workman Shri Rabindra Mahakud, Mazdoor, Baula Chromite Mines of ICC Ltd. for reinstatement with full back wages is justified ? If so, to what relief the workman is entitled to ?”

2. While making reference intimation was also sent to the 1st Party-Management and the 2nd Party-Workman to file their respective Claim Statements before this Tribunal within fifteen days from the date of receipt of the reference. The reference was made on 12-1-1999. The Tribunal on receipt of the reference also issued notice to the parties. Inspite of direction of the Tribunal and the Government of India (Ministry of

Labour), the workman has not made his appearance before the Tribunal and he has not filed his statement of claims. Notice was duly served on him but he did not take any step to take part in the proceeding and to place his case before the Tribunal to answer the reference. Since, 1999 the reference could not be answered in absence of the workman and for not taking any step by him.

3. The above circumstances would suggest that no dispute exists between the parties and the workman has got no cause of action and that he has got no materials in support of his case.

4. Hence, no dispute award is passed and the workman is not entitled for any relief.

5. The reference is answered accordingly.
Dictated & Corrected by me.

S. K. DHAL, Presiding Officer
13-8-2001

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2739.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्चुरी सीमेंट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-01 को प्राप्त हुआ था।

[सं. एल-29011/33/92-आई आर (एम)]
बी. एम डेविड, अव्वर सचिव

New Delhi, the 13th September, 2001

S.O. 2739.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management M/s. Century Cement and their workmen, which was received by the Central Government on 22-8-2001.

[No. L-29011/33/92-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/221/93

Presiding Officer: Shri K. M. Rai.

Shri Baboolal Chouhan,
Fitter, Century Cement,
Baikunth, Raipur,
R/o Baheshar, Post Block,
Neora, Tilda,
Distt. Raipur.

Applicant.

Versus

The President,
Century Cement,
Industry House No. 159,
Church Gate, Reclamation,
Bombay.

The Joint President,
Century Cement,
Baikunth,
Teh. Tilda,
Distt. Raipur.

Non-applicant.

AWARD

Passed on this 7th day of August-2001

1. The Government of India, Ministry of Labour vide order No. L-29011/33/92 (Misc.) dated 14/19-10-93 has referred the following dispute for adjudication by this tribunal:

"Whether the action of the management of Century Cement in relation to their Lime Stone quarry, Baikunth, Distt. Raipur (MP) in dismissing the services of Shri Babulal Chouhan, fitter w.e.f. 9-6-92 is justified? If not, to what relief the concerned workman is entitled to?"

2. The case for the workman is that he was employed by the management and was performing his duty satisfactorily till the dismissal of his service w.e.f. 9-6-92. He was served with a false chargesheet dated 29-2-92 for committing the theft of mobil oil belonging to century cement and causing wilful loss to the property of the management. The security personnel seized 5 litres of oil in 4 plastic cases from the scooter No. MP-23/0109 of the workman. He denied all the charges of misconduct framed against him by the management. The management was not satisfied with the explanation of the workman and decided to hold domestic enquiry against him. The Enquiry Officer was appointed by the Disciplinary Authority and the enquiry was conducted against the workman. The Enquiry Officer held the charges proved against him which is not based on evidence on record. The relevant documents were not supplied to him during the course of enquiry proceedings. He was not given adequate opportunity to defend his case properly before the Enquiry Officer. The domestic enquiry is perfectly illegal and the report of the Enquiry Officer has been illegally accepted by the Disciplinary Authority. The order of dismissal from service passed by the management against the workman is bad in law which deserves to be quashed. He is entitled to reinstatement with all back wages.

3. The case for the management is that the workman had committed theft of 5 litres of mobil oil belonging to the company on 17-2-92. This oil was seized from his scooter by the security staff. The proper DE was held against him and the charges were found to be proved beyond any reasonable doubt. The Enquiry Officer had rightly held the charges proved against the workman. The order of dismissal from service passed by the management is just and proper and does not require any interference at all. The workman is not entitled to reinstatement with back wages.

4. The management remained absent when the case was called on for hearing before this tribunal on 16-11-99. This court therefore proceeded ex parte against the workman.

5. In spite of service of notice, the management did not care to appear before the tribunal.

6. The workman has filed his affidavit to substantiate his claim. The management has not challenged the statement of the workman by cross examining him before this court. In view on this fact, I do not find any reason to discard the evidence of the workman in this case. The statement of the workman given in affidavit has clearly proved his entire claim. The management had illegally dismissed him from service w.e.f. 9-6-92. He is therefore entitled to reinstatement with all back wages.

7. In view of the reasons stated above, it is hereby held that the management had illegally terminated the services of the workman w.e.f. 9-6-92. The workman is entitled to reinstatement with back wages. The management shall reinstate the workman and pay the back wages and other dues due to him within a period of 4 months from the date of award.

8. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

7-8-2001.

नई दिल्ली, 13 सितम्बर, 2001

का.प्र. 2740.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.एस.आई.सी. के प्रबंधकों के संबद्ध निरीजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्राप्ति करती है, जो केन्द्रीय सरकार को 13-08-2001 को प्राप्त हुआ था।

[नं. एल-15012/3/88-डी-III(बी)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2740.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management ESIC and their workmen, which was received by the Central Government on 13-9-2001.

[No. L-15012/3/88-D-III(B)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT:
NEW DELHI

Presiding Officer : RUDRESH KUMAR.

ADJUDICATION

I.D. No. 21/89

Ref. No. L-15012/3/88-D.III(B) Dated 9-2-89.

BETWEEN

Shri Jagdish Chandra,
C/o Delhi Labour Union, Aggarwal Bhawan,
G.T. Road, Tis Hazari, Delhi-110054.

AND

The Director (Medical),
M/s. E.S.I.C. Hospital, Ring Road,
Basai Darapur,
New Delhi-110015.

AWARD

By reference No. L-15012/3/88-D.III(B) dated 9-2-89 the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and Sub-Section (2A) of Section 10 of the I.D. Act, 1947 (14 of 1947) made over this industrial dispute between Jagdish Chandra through Delhi Labour Union, Aggarwal Bhawan, G.T. Road, Tis Hazari, Delhi-110054, espousing cause of Shri Jagdish Chandra and the Director (Medical), M/s. E.S.I.C. Hospital, Ring Road, Basai, Darapur, New Delhi-110015 for adjudication. The reference is produced as under:—

“Whether the Action of the Management of E.S.I.C. Hospital, Basai Darapur, New Delhi in terminating the services of Shri Jagdish Chandra, Loader/Unloader w.e.f. 28-11-1987 is justified. If not, what relief the workman is entitled to?”

2. The case of the workman Jagdish Chandra, in brief, is that he was engaged in the employment of

E.S.I.C. Hospital w.e.f. 17-2-86 as Loader/Unloader, that he was being paid daily wages, revised from time to time, under the Minimum Wages Act fixed by the Delhi Administration; that he continuously worked on the said post satisfactory; that the management without assigning any reason, terminated his services w.e.f. 28-11-87 and that the management did not comply with the statutory provisions contained under section 25-F, i.e. by not giving notice, notice pay or retrenchment compensation etc. It is further alleged that the workman has been meted out with hostile discrimination as juniors to him were retained in service whereas his services were terminated. The workman has pleaded further that the job of loader and unloader was of regular nature and he was paid less wages than those similarly placed and thus, the management acted in violation of the provisions of “Equal Remuneration Act” and Article 39(d) of the Constitution of India. In this context it is also stated that class IV category of employees were paid in the scale of Rs. 750-940 whereas he was paid daily wage which was less. Relief of reinstatement with back wages, with all other allowances, scale of pay and also the litigation cost has been sought.

3. The Management has denied claim of the workman. Two preliminary objections have also been taken first; that the employees of the corporation of E.S.I. are governed by the statutory Employees. State Insurance Corporation (Staff and Conditions and Service) Regulation, 1959 framed under section 17(2) of the E.S.I. Act and as per provisions of the said Act, this claim petition is not maintainable; and second that the E.S.I. hospital is not covered within the definition of ‘Industry’ as defined under section 2(j) of the I.D. Act. On merit, also, the management has refuted claims of the workman stating that he was a daily wagger and was given appointment for a fixed period duly specified in the orders. The contract of service thus, ended on the end of the specified period. Also he did not complete 240 days continuous working in one year to bring his case in the definition of Section 25-B, inviting application of section 25-F of the I.D. Act. Furthermore, the scale of Rs. 750-940 was admissible to the regular employees and not daily wagger given fixed term engagement; as such the claim of scale and other consequential benefits were not admissible to the workman.

4. Both parties filed their documentary and oral evidence to substantiate their respective claims and denial of claims.

5. In support of its case, the workman filed copy of office order No. 46 of 25-2-86 showing period of appointment from 17-2-86 to 17-5-86 on the daily wage of Rs. 13.60p per day; Office order No. 137 of 1986 dated 2-6-86; office order No. 19/86 dt. 2-6-86 showing period of appointment from 20-5-86 to 14-8-86 to the rate of Rs. 13.60 per working day and also office order No. 16 of 1987 dated 27-1-87 showing appointment from 13-1-87 to 12-2-87. There is nothing on record to indicate that the workman was selected by inviting names from the Employment Exchange and selecting him by approved procedure.

6. Thus, the claim of the workman is to be assessed on the basis of his total working days besides in light of office orders referred to above. It is not denied that the workman was not appointed following

the service rules of ESI Corporation. The only question, thus, is required to be determined, as whether he completed 240 days in any calendar year to justify application of Section 25-F which requires issue of notice, payment of notice pay or retrenchment compensation.

7. According to the management, total working days of the workman in the year 1986 was 151 days and in the year 1987 upto 146 days. If for sake of computation, one year period be taken from December, 86 to November, 87, the total working days would be 153 days only. There is no evidence tendered by the workman, that he was engaged for 240 days in any calendar year. The workman, as loader/unloader cannot derive benefit of section 25-F as his working days was less than 240 days, and thus issuance of notice or payments desired under section 25-F is not applicable in his case.

8. The workman, has filed office orders mentioned above, specifying period of appointments and also rate of wages. As such, his service came to end on expiry of specified period. It gives inference that he was a daily wager. Under Section 2(oo) of the I. D. Act, such cessation of service, on expiry of contract period, is not retrenchment under the Industrial Disputes Act.

9. Also, there is no basis to assume that he was ever employed on a regular basis or even casual basis on due selection against any regular vacancy. Since it was a contract employment for a specified period, on completion of such period, it stood terminated. No right to regular employment accrued in favour of the workman in any circumstances.

9. The claim of equal remuneration is also not admissible to him. He was not a regular employee or a temporary employee against a regular post. In the contract of service his daily wage was fixed and he did not complain that the payments made to him were not on the said basis. The scale of pay admissible to class IV employee was not admissible to him.

10. In view of above discussions the workman failed to prove his entitlement to the post of loader/unloader or continuity in service on the said post.

11. As the case is being decided on merit, so it is not purposeful to go into the merit of the preliminary objections raised by the management.

12. Accordingly, the management of the E.S.I.C. hospital Basai Darapur, New Delhi had not terminated services of the workman Jagdish Chandra as Loader/unloader w.e.f. 28-11-1987 as alleged by him. His services came to end on expiry of period of contract. The workman failed to substantiate his claim of reinstatement/continuity in service and so not entitled to any relief.

13. Award accordingly.

NEW DELHI

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2741.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट अथॉरिटी आफ इण्डिया के प्रबंधन के संबंध निर्यातकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 13-09-2001 को प्राप्त हुआ था।

[सं. एन-11011/3/96-आई आर (एम)]

बो. एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2741.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management M/s. Air Port Authority of India and their workman, which was received by the Central Government on 13-09-2001.

[No. L-11011/3/96-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE SHRI RUDRESH KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 85/96

The General Secretary,
Telephone Exchange Employees Association,
149-A, Pocket 'C', Sidhartha Extension,
New Delhi-110014.

Versus

The Chairman and Managing Director,
Airports Authority of India (International Division),
Operational Building, Gurgaon Road,
New Delhi-37.

AWARD

The Government of India in the Ministry of Labour vide Order No. L-11011/3/96-IR (Misc.) dated 23-8-96, referred this dispute between aforementioned parties for adjudication. The reference reads as under :—

“Whether the action of the management of Airport Authority of India (International Airport Division), New Delhi as principal employer, in

engaging contract labourers working as Telephone Operators and Supervisors through contractors, in prohibited category of employment is justified and whether such contract labourer, can claim to be regular employees of the management principal employer. If not, to what relief the concerned contract labourer are entitled and from what date ?”

2. Initially, both the parties contested the case and adduced evidence on merit. However, on Aug. 20, 2001 an application was made by Savita Abrol, President, IAAI Telephone Exchange Employees Association, IGI Airport, New Delhi with a prayer that this Hon'ble Tribunal be pleased to close the case by passing 'No Dispute Award' in the present case, since the grievances have been redressed.

3. Both the parties verified this application enclosed with copy of resolution passed by I.A.A.I. Telephone Exchange Employees Association on Aug. 20, 2001 before the Court.

4. This application briefly mentions facts of the case and also it states that the parties, namely the Employees Association as well as the management resolved their dispute, impugned before this Tribunal, and accordingly, the workman union is no longer interested to pursue this case. The annexure of this application, viz resolution dated 10-8-2001 mentions that all the members of the Association have already been taken into regular service of the Airport Authority of India, and thus, the Association is no longer interested in pursuing the dispute No. 85/96 referred to above as well as the complaint filed under section 33-A of the Industrial Disputes Act.

5. Accordingly, without going into the merit of the reference and also in the light of the application dated 20-8-2001 there appears no need to adjudicate the reference on merit, treating it not pressed.

6. Thus the reference is returned without adjudication, treating as 'No Dispute Award'. 21-8-2001.

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2001

का.आ. 2742.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नुआसाही क्रोमाईट माईन्स के प्रबंधन के संबंध

निर्भोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण भुवनेश्वर के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-2001 को प्राप्त हुआ था।

[सं. एल-29012/184/98-आईआर(एम)]
वी. एम. डेविड, अवर सचिव

New Delhi, the 13th September, 2001

S.O. 2742.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Nuasahi Chromite Mines and their workmen which was received by the Central Government on the 11-9-2001.

[No. L-29012/184/98/IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT.
BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour,
Court, Bhubaneswar.

Tr. INDUSTRIAL DISPUTE CASE NO.
239/2001

Date of concluding of the hearing 1st Aug.,
2001

Date of Passing Award 31st August, 2001

BETWEEN :

The Management of Nuasahi Chromite Mines
of M/s IMFA Ltd., Rasulgarrh, Bhubaneswar,
1st Party-Management.

AND

Their Workman, Shri S. Sethy,
At. Nuarugudi, P. O. Padhiaripally,
Via. Dhanurjaypur, Keonjhar. . . 2nd Party-
Workman.

APPEARANCES :

Mr. M. R. Mahapatra & Mr. M. R. Kar.
. . . For the 1st Party-Management.

None. . . For the 2nd Party-Workman.

AWARD

The Government of India in the Ministry,
of Labour, in exercise of powers conferred by

Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-29012/184/98/IR(M), dated 22-03-1999 :—

“Whether the action of the Management of Nuasahi Chromite Mines of M/s. IMFA in refusing employment to Shri S. Sethy, is legal and justified? If not, to what relief the workman is entitled?”

2. The dispute has been raised at the instance of the 2nd Party-Workman. So the onus lies on him to establish his case by producing either oral or documentary evidence. After he produces materials the 1st Party-Management could challenge the same either by producing oral or documentary evidence. But in this case the Workman has not filed his Claim Statement in support of his case. He has not come to the witness box to give his oral evidence or to exhibit documents in support of his stand that the action taken by the 1st Party-Management is illegal and un-justified.

3. In the circumstances above, when no materials have produced on behalf of the 2nd Party-Workman it can be concluded that the workman has got no grievance against the action taken by the Management and he has got no cause of action. In other words the action taken by the 1st Party-Management is justified and the 2nd Party-Workman is not entitled for any relief.

4. Reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2001

का.आ. 2743.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन ऑयल कॉर्पो. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-09-01 को प्राप्त हुआ था।

[सं. एल-30012/26/89-आई आर (एम)]

वी.एस. डेविड, अवर सचिव

New Delhi, the 14th September, 2001

S.O. 2743.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the 3058 GI/2001—19

Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Oil Corporation Ltd. and their workman, which was received by the Central Government on 14-9-2001.

[No. L-30012/26/89-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 59/91

Shri R. K. Bassi,
Deceased through his LRs
1. Sharda Bassi (Wife)
2. Rahul Bassi (Son)
3. Reena Bassi (Daughter)
4. Raj Rani (Mother)
House No. 3508, Sector 46-C,
Chandigarh..

Vs.

The Manager (IR),
M/s. Indian Oil Corporation Ltd.,
World Trade Centre, Barakhamba Road,
New Delhi-110001.

APPEARANCES :

For the workman—Shri D. V. Sharma.

For the management—Shri Paul S. Saini.

AWARD

(Passed on 20th of August, 2001)

The Central Government vide notification No L-30012/26/89-IR(Misc.), dated 17th of May, 1991 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Indian Oil Corporation, New Delhi, in terminating the services of Shri R. K. Bassi, Ex. Asstt. w.e.f. 23-5-1980 is justified? If not, to what relief is the workman entitled?”

2. The workman Shri R. K. Bassi has died on 30-4-1994. Therefore, his Lrs. have been taken on record vide order dated 11-10-1994.

3. The claim of the workman in brief is that he entered into the services of Indian Oil Corporation during the month of August, 1967 as a typist. He was promoted to the post of Assistant vide order dated 14-5-1975 and posted at Ambala Depot. He was transferred from Ambala to Amritsar depot vide order dated 9-10-1978. During his posting at Amritsar he applied for earned leave w.e.f. 5-9-1979 to 8-12-1979 (90 days) for going abroad. He had given his leave address in the application dated 3-9-1979. The leave was sanctioned by the competent authority, so, he proceeded on leave for pleasure trip to East Germany, West Germany United Kingdom and Iran.

4. The workman applied for extension of leave for various periods but communication for the sanction of the leave was not sent to the workman. He applied for leave on medical grounds w.e.f. 6-3-1980 to 5-3-1981 alongwith the medical certificate. This leave application was sent under registered post on 8-3-1980 from Germany. The workman did not receive any communication regarding the sanction of his leave. The workman sent several applications for the sanction of the leave. But he was not intimidated by the management as to whether his leave was sanctioned or not. He never received any communication either at the leave address given by the workman or at his Germany address.

5. Thereafter the workman was declared medically fit and fitness certificate dated 10-6-1983 was issued by the medical officer so he came back to India. On coming to India he immediately reported for duty before the Depot Manager Indian Oil Corporation, Amritsar from where he had proceeded on leave. He was informed by the Depot Manager that he should contact Delhi Office and report for duty there. The workman reported for duty at Delhi Office on 22-7-1984. He was not allowed to resume the duty. Therefore, the workman had issued reminder to the management but no reply was received at the communicated address of his residence. The workman tried to join the duty. He ultimately approached to Shri M. M. Mehta, M.P. and brought to his notice his plight. The Chairman of the management intimated to Shri Mehta that the workman had abandoned the employment during the month of April, 1980. Ultimately the workman, raised an industrial dispute and the conciliation proceedings were commenced which resulted in failure report. The report was communicated to the Central Government and the Central Government made the present reference to this Tribunal for adjudication.

6. The action of the management is in contravention of Section 25-F of Industrial Disputes Act, 1947. One month notice or one month salary in lieu thereof and retrenchment compensation were not paid to the workman. Notice of termination was not communicated to him, therefore, the management has acted in contravention of the Section 25-F and against the principle of natural justice. Therefore, his claim deserves to be accepted. The management be directed to reinstate the workman with continuity of service and full back wages and alongwith other consequential benefits.

7. The management has filed reply raising a preliminary objection that the claim of the workman is belated and stale. Therefore, it should be rejected without any relief.

8. It has been alleged by the management that the workman applied for 90 days earned leave for going abroad, which was granted to him. He sought extension of leave for another 90 days. Since the earned leave to his credit was only 76 days, the balance 14 days were treated as leave without pay. Again on the request of the workman, he was granted 46 days leave without pay up to 17-4-1980. Several letters were issued to the workman advising him to report for duty at the last known address available on record. The workman did not report for duty. Therefore, vide letter dated 23-5-1980 he was informed

that he voluntarily abandoned the services of the Corporation from 18-4-1980. He was trying to settle abroad and had made up the story of illness by way of an after thought. The medical certificate produced by the workman was only to show that the workman was out patient. He must have gainfully employed during the period in which he was in foreign country. He had obtained the medical certificate to build up grounds for settling in abroad in order to remain employed in that country.

9. The management did not receive the letter dated 12-1-1981. The workman had abandoned the services of the management, so the management took action as per provisions of Certified Standing Orders. The management issued several letters at the last known address to the workman for joining duties but he did not turn up deliberately. When he came back to India, he was not allowed to report for duty because he had abandoned the services w.e.f. 18-4-1980. The claim of the workman is not maintainable. He remained absent from duty for long period. He remained gainfully employed in abroad. The action taken by the management is according to the provisions of Certified Standing Orders. Therefore, he is not entitled to be reinstated with full back wages. His claim be dismissed with cost.

10. The workman has filed replication in which he has reasserted the averments which have already been made in the claim statement.

11. In this case, these are admitted facts that the earned leave for 166 days was sanctioned by the management for going abroad while the workman was working at Amritsar depot of the management. The retrenchment compensation was not paid to the workman is also an admitted fact, and no enquiry was held against the workman, was also an admitted fact.

12. In this case, the affidavit of the deceased workman Ex. W1 and his wife Smt. Sharda Bassi's affidavit is Ex. W56, have been filed. The documents Ex. W1 to Ex. W55 have been filed on behalf of the workman. The management has filed the affidavit of Shri J. S. Kaushal which Ex. M4 and the affidavit of Shri B. M. Seth which is Ex. M41. The management has also filed documents Ex. M5 to Ex. M40. The workman late Shri R. K. Bassi and his wife Smt. Sharda Bassi have deposed that the deceased workman proceeded on leave for going abroad for pleasure trip. He fell ill there. So, he could not come back to India within the period of sanctioned leave. He applied for extension of leave but the management did not communicate him about the fate of those leave applications. He sent medical certificates from Germany because he could not come back to India and he was taking treatment in West Germany. The management did not sent the notice of abandonment of services. The management illegally terminated the services of the workman.

13. The witness of the management have deposed that the workman had given his leave address of Amritsar in his leave application. The letters were sent on that address which were received undelivered. The letter was also sent on the address of Ferozepur which was the permanent address of the workman.

The letters were sent to the address of England which were also received back undelivered. The address of England was made known to the management by the father of the workman. On that address the letter was sent to the workman advising him to report for duty. This fact has been disclosed in the cross-examination of the management's witness Shri B. N. Seth. In this case the documents produced by both the parties are essential to decide the controversy between the parties. The workman has filed the copies of the medical certificate issued by the medical practitioner of West Germany which is Ex. W9 which has been written in German language. Its translation has been attached therewith. Medical certificates have been attached with it which has been exhibited as Ex. W14, W17, W18. Their translation has been filed. These certificates reveals that the workman was outpatient and he was suffering from chronical bronchietyctes) regulating of the soft part, survical syndrome and paravertibral, mescular hard tension. Ex. W19 is the fitness certificate which was issued on 10-6-1983. On receiving the medical certificates the management wrote a letter Ex. M32 to the Doctor Muller for giving answer of the queries relating to the health of the deceased workman. Dr. Muller replied the queries which is Ex. M33. The translation of it is Ex. M34. Dr. Muller has clarified the situation and he wrote to the management that the deceased workman was an outpatient and he was fit to travel from Germany to India. He could also resume his duties in India. The treatment which he was getting in Germany could be continued in India. Dr. Muller had also expressed that the certificates were primarily meant for presentation to the German Authority in order to obtain a residence permit. The clarification given by Dr. Muller reveals that workman deliberately did not return to India for reporting to his duties in the depot of the management. In this context the testimony of the management's witness is trustworthy. Oath of the deceased workman and his wife cannot be relied upon by the Tribunal.

14. The clarification Ex. M34 reveals that the medical certificates procured by the deceased workman from medical practitioner in order to obtain a residence permit. It is evident that the workman had intentions to settle in Germany rather than coming back to India to serve in the establishment of the management. The wife of the deceased workman has deposed in her cross-examination that she did not send any money to her husband as he was already having money with him. But she is unable to tell the Tribunal that how much amount was taken from India by the workman. She has also deposed that the family of the workman was maintained by the father of the deceased workman. The workman left India for Germany during the month of September 1979 and he came back in India during the month of June 1983 as per paragraph 5 and 13 of the claim statement. It reveals that he remained abroad for the period near about 3 years 9 months. This fact indicates that the workman remained employed in Germany or in other countries. Without money no person can remain in foreign country. Therefore, the testimony of the management's witnesses is trustworthy who have deposed that the workman remained employed during his stay in foreign country.

15. The witness of the management have deposed that the workman after coming back to India got employment of M/S Mem Cylinder Pvt. Ltd. The management has submitted the copy of the document Ex. marked 'B', 'C', 'D', 'E' which are purported to have been written by the deceased workman who was working in that company as a General Manager. The application Ex. M has been submitted by the workman which has been signed by him. If we compare the signatures with mark B, C, D, & E, this Tribunal comes to the conclusion that these letters were signed by the workman in the capacity of General Manager. The applications Ex. M2 was also submitted by the workman in which he has signed with the word 'Bassi' whereas on Ex. M1 the word 'Bassi' has not been written. Similar is the position with the other applications Ex. W10, W23, W28, W30, W32, W34, W36, W45. Therefore, it has been fully established by the management that the workman remained gainfully employed in India after coming back from Germany.

16. The management has produced the notice of abandonment which is Ex. M21. This notice was issued on 23-5-1980. It is addressed to the workman at the address of England. The proposal for treating the workman as voluntarily abandoned the services is Ex. M20. The notice Ex. M21 has been received back from England with the remarks 'gone away'. The address of England was furnished by the father of the workman. The letter Ex. M17 was also sent to the workman on the address of England advising him to report for duty. The letter Ex. M13 written by the workman reveals that the workman intended to visit U.K. and Iran to meet his sister and relatives. But the leave address of U.K. and Iran was not given by the workman. It is evident that the workman was not available in India prior to 22-7-1983. Therefore, the management was compelled to send the notice Ex. M21 on the address of England which was made known to the management by the father of the workman.

17. In this case it is an admitted fact that the workman was not allowed to resume duty after coming back from abroad to India by the management. Departmental enquiry was not held against him and no charge sheet was given to him. The representative of the workman has argued that the action of the management amounts to retrenchment but the management has not compelled with the provisions of Section 25-F of the I.D. Act, 1947. He has referred the case of Santosh Gupta Vs. State Bank of Patiala AIR 1980 S.C. 1219, Mohan Lal Vs. The management of M/s. Bharat Electronic, AIR 1981 S.C. 1253, and Pepsu Road Transport Corporation Vs. Presiding Officer [1995(1) R.S.J. 663] Punjab & Haryana. These case laws relates to the word 'retrenchment', but the facts of these case laws are not identical to the facts of the case under consideration. The workman was treated to have abandoned the services voluntarily, therefore, these case laws are not applicable.

18. It has been argued on behalf of the workman that the opportunity of being heard was not given by the management to the workman. The management has not followed the principle of natural justice. Therefore, the action taken by the management is illegal

and unjustified. The case of Jai Shankar Vs. State of Rajasthan (AIR 1966 Supreme Court 492), K. G. Knosia compressors Vs. Presiding Officer Labour Court [1999 (4) S.L.R. 594 Pb & Haryana], Upton India Ltd. Vs. Shantini Bhan [1998 (2) S.C.T. 169] Supreme Court, D. K. Yadav Vs. M/S. J.M.A. Industries Ltd. 1993 (3) R.S.J. 696 Supreme Court and the management of Modela Woolens Vs. Presiding Officer and others 1993 (3) S.L.R. 587 Punjab & Haryana has been cited on behalf of the workman. It has been argued that taking into consideration the law laid down in these case laws the action of the management is illegal and contrary to the principle of natural justice. In these cases the services of the workman were terminated automatically, due to their unauthorised absence or overstaying after the expiry of sanctioned leave. In these case laws the workman remained absent from duty for 2/3 days and 8/10 days. Their services were terminated as per the provisions of service rules and certified standing orders applicable in their cases.

19. The representative of the management has argued that the case of the workman falls within the purview of "voluntarily abandonment of services". He has referred the case of Amgauda Sidram Hakke Vs. Maharashtra Small Scale Industries Development Corpn. Ltd. 1995 S.C.T. page 401 (Bombay) Synuricate Bank Vs. General Secretary 2000 (2) S.C.T. 765 Supreme Court and Pb & Sind Bank Vs. Sakattar Singh 2001 (1) S.C.T. 265 Supreme Court. He has argued that the notice intimating the workman that he had been treated to have abandoned his services voluntarily, therefore, the question of contravening the principle of natural justice does not arise. In this case the workman remained absent from duty for near about three years nine months. In these case laws, their Lordships of Supreme Court of India have held that if the workman remained absent for long period and the notice is issued by the management directing the workman to join his duties within 30 days and if the workman fails to join his duties within the stipulated time or does not furnish any explanation for his absence, he can be treated to have abandoned the services voluntarily. Under these circumstances the question of violation of principle of natural justice does not arise. These case laws are applicable in the case under consideration. The management has sent the notice Ex. M21 to the workman which were received back undelivered. Therefore, it cannot be held that the termination of the workman is illegal or unjustified. The case of the workman does not fall within the scope of Section 25-F of the I.D. Act 1947. The question of payment of retrenchment compensation does not arise. When the services of the workman has been terminated as per procedure laid down in certified standing orders, it can not be held that the termination of the services of the workman is unjustified. The workman remained gainfully employed after his termination and during the period of his absence from duty, so he is not entitled to get the back wages from the management. He does not deserves to get any relief from the management. Therefore, the reference deserves to be answered in favour of the management.

20. On appreciation of the evidence adduced in this case and taking into consideration, the circumstances and the facts of the case, the reference is answered

that the action of the management of Indian Oil Corporation New Delhi in terminating the services of Shri R. K. Bassi Ex. Assistant, w.e.f. 23-5-1980 is justified. He is not entitled to get any relief from the management. Both parties shall bear their own cost. Reference is answered accordingly. Appropriate Govt. be informed.

Chandigarh.-2

20-8-2001.

B. L. JAIYAV, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2001

का.आ. 2744.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार हरिदास पुर क्वारी प्रोजेक्ट के प्रबंधन के संबंध निोजको और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक आधिकरण भुवनेश्वर के पंचद का प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-2001 को प्राप्त हुआ था।

[सं. एन-29012/48/95-आईआर (एम)]

बी.एम.-डेविड, अधर सचिव

New Delhi, the 14th September, 2001

S.O. 2744.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Haridaspur Quarry Project and their workman, which was received by the Central Government on 11-9-2001.

[No. L-29012/48/95-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 108/2001

Date of conclusion of hearing 25-07-2001

Date of Passing Award 20th August, 2001

BETWEEN

The Management of Senior Manager,
Haridaspur Quarry Project,
At/P.O. Aruha, Via. Haridaspur,
Distt. Jaipur-755024. . . 1st Party-Management.

AND

Their Workmen represented through the
Secretary, Haridaspur Quarry Employees
Union, At/PO. Aruha, Via. Haridaspur,
Distt. Jajpur-755024. . . 2nd Party-Union.

APPEARANCES :

Shri D. P. Parija, Advocate,
Cuttack. ... For the 1st Party-
Management.

Shri S. N. Kar, Advocate,
Cuttack ... For the 2nd Party-
Union.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-29012/48/95-IR (Misc.), dated 31-05-1996 :

"Whether the action of the Management of the Haridaspur Quarry Project of O.C.C. Ltd. on transferring its workman on deputation basis from Haridaspur Quarry Project to Upper Jonk Spillway Project vide Memo No. 245/OCC/HQP/Dt. 19-5-1994 is justified? If not, to what relief the workman are entitled for?"

2. 11 Workers of different categories are concerned in this reference. Their case as pleaded in the Claim Statement is that the Haridaspur Quarry Project (hereinafter called as the 1st Party-Management) is a permanent Project operating under the Mines Act which is situated at Haridaspur. But unfortunately over the years because of the mis-management, corruption and inefficiency the Project sustained continuous loss. Instead of taking corrective measures the 1st Party-Management resorted to retrenchments and transferred all the poor workmen in different times to different projects. As protest was made the 1st Party-Management vide Memo No. 245, dated 19-5-1994 passed order of transfer in respect of 11 workmen to Upper Jonk Spillway Project. According to the disputants the order of transfer in question is illegal, arbitrary, unnecessary as it violates the terms of the Certified Standing Order. It is further pleaded that, this fact was brought to the notice of the Regional Labour Commissioner (Central) and there was a settlement, dated 19-1-1992 done before the Regional Labour Commissioner (Central) wherein it was agreed that the 1st Party-Management should withdraw the previous transfer order. It is further pleaded that 11 transferred workers have not been paid their salaries and other dues though they are presenting themselves that they were doing their duties as usual. When the request of the Union was not considered by the 1st Party-Management the dispute was raised and after failure of the re-conciliation the present reference has been made.

3. The 1st Party-Management has made appearance and has filed their Written Statement. It has been averred in the Written Statement that, the Project was set up in the year 1962 to produce rock products like boulders, spalls and chips etc. Due to non-renewal of the lease by the employees returned back to Haridaspur Quarry Project as they could not be accommodated in other Projects due to some difficulties.

The rest of the employees had joined in their respective Projects. Again due to severe financial loss there was necessity to transfer some employees to the other Projects. During several rounds of discussion with the Assistant Labour Commissioner (Central) in the matter and also discussion with the General Manager at Haridaspur Quarry Project the Union demanded clearance of all arrears at a time by the Management so that they will go on deputation to other Projects. So accordingly 11 workers were transferred on deputation and they were asked to collect their dues from the Office of the Senior Manager, Haridaspur Quarry Project and then join at their new place of posting. But they did not receive their deputation orders. It is further pleaded that there was a discussion between the workman and the Executive Director of the Corporation on 21-9-1996 in which the President of the Quarry Employees Union was also present in the said meeting. It was agreed for deputation of 11 employees of the Haridaspur Quarry Project to Upper Jonk Spillway Project. So accordingly instruction was issued to Upper Jonk Spillway Project to allow the employees to join there on deputation basis. The concerned 11 employees who were relieved from the Project with effect from 26-5-1994 joined in the Upper Jonk Spillway Project on 1-10-1996. So according to the 1st Party-Management the transfer made in respect of the 11 employees is not illegal and unjustified.

4. On the above pleadings of the parties the following issues have been settled :

- I. Whether the action of the Management of Haridaspur Quarry Project of O.C.C. Ltd. on transferring its workman on deputation basis from Haridaspur Quarry Project to Upper Jonk Spillway Project vide Memo No. 245/OCC/HQP/Dt. 19-5-1994 is justified?
- II. To what relief, if any, the workman are entitled?

FINDINGS

Issue No. I :

5. The main grievance of the 2nd Party is that the 1st Party-Management can not transfer any workers as per Rule 12 of the Certified Standing Orders. The said Certified Standing Order has been exhibited in this case as Ext. 3. In Rule 12 it has been specified that the workman shall be liable to be transferred from one site of works to another at the will of the Management. Basing on these it is submitted on behalf of the Union that, the 1st Party-Management can not transfer the workers from one place to another but transfer can be made from one site to other site of the Project. According to the Union the site does not mean the other place. On the other hand it has been contended on behalf of the Management that, operation of the Project was stopped in the year 1990. The staff engaged in the Project had no work at Haridaspur Quarry Project. So without retrenching the staff some of the staff were deputed on transfer to other place which was under the same Management. According to the 1st Party-Management there was no violation of any Rule of the Certified Standing Order.

6. The Witness No. 1 examined on behalf of the Union is a retired employee and he was one of the workman amongst the 11 workmen who were transferred from Haridaspur Quarry Project to Upper Jonk Spillway Project. This witness has admitted in the cross examination that he is not a member of the Union and he has not given any authority to represent his case and he has not filed any claim statement individually. It may be mentioned here that the claim statement has been filed by the Union. His evidence reveals that, he was retrenched in the year 1967 with the closure of the quarry and again he was reappointed in the year 1971. The Witness No. 2 examined on behalf of the Union has claimed himself as to be the Vice President of the Union. According to his evidence the Project is a permanent project. He has deposed that the State Government and financial technical difficulties as well as disturbances by the local people the operation of the Quarry has completely stopped since July 1990. Due to non-operation of the Project the Management had to incur huge loss by paying idle wages to the workers and incurring other establishment expenses. In the above circumstances to arrest the recurring loss and to utilize the services of the workers gainfully in other on-going projects of the Corporation without taking recourse to retrenchment the 1st Party-Management initiated steps to transfer the idle workers from the Project to other Projects. So accordingly the Senior Manager In-charge of the Project issued transfer orders in August 1992 in favour of the nine employees which gave rise to raising of a dispute before the Asstt. Labour Commissioner (Central) by the Union challenging the action of the Management in transferring the employees to the other projects. In the re-conciliation proceeding, the Management took the stand that as there was no work for the employees in the project action was taken to engage the workers in the other Project otherwise there would be retrenchment of the workers from the service. It is pleaded that the Union demanded that the Management should consider their case and they would agree to go on deputation to other projects on payment of usual T.A. and D.A. They should be treated as employees of the Haridaspur Quarry Project for all purposes. So accordingly settlement was signed on 19-10-1992. Thereafter when it was found that all the workers who were found surplus they were asked to exercise their option if they wanted to go to other Projects on transfer or to face retrenchment. But the workers did not respond to it. Again on 21-9-1993 there was a discussion between the Management and the Union wherein it was agreed upon that the workers of the Haridaspur Quarry Project may be treated as the employees of the said Project for all purposes, their salaries and wages may be drawn from Haridaspur Quarry Project and the Senior Manager of the Project to which the employees will be deputed will remit their P.F. dues to Haridaspur Quarry Project for depositing into the R.P.F.C.'s Office. So accordingly 23 employees were deputed to different Projects in the month of July 1993. However, nine transfer order made by the Management is illegal. In the cross examination he has admitted that the employees of the Union were willing to go on transfer on payment of T.A. and D.A. which was intimated by the Union to the Management vide Ext.-B. He has also admitted that in the year 1996 there

was a joint meeting with the President of the Union and the Workman wherein it was agreed that the transferred employees will accept the transfer order on payment of T.A. and D.A. Witness No. 3 is not a workman under the Management. He has deposed that he was acquainted with the dispute relating to the Workman and the Management as there was transfer of 11 workmen. In my opinion his evidence is no way helpful to the Union. The Union has accepted the order of the Management wherein transfer order was passed in respect of 11 persons and that has been exhibited as Ext.1. It discloses that 11 persons who were transferred were directed to receive their salaries, bonus from the office by 20-5-1994 and to collect their relieve order from the office on 20th May, 1994 in order to join at Upper Jonk Spillway Project on deputation basis. The case of the 1st Party-Management is that the transfer was made on deputation basis as agreed by the Union finds support from the letter written by the Secretary of the Union to the Assistant Labour Commissioner (Central) which has been exhibited in this case as Ext.-B. So, I am inclined to agree, on the above facts which is established, that the transfer was made on deputation basis as agreed by the Union and the staff who were under orders of transfer on deputation were given opportunity to collect their dues.

7. It is not disputed by the Union that the operation of the Project has been stopped with effect from January 1990. So, it will not be possible on the 1st Party-Management to accommodate all the staff and to pay them salaries when the Project is not functioning. In my opinion, the Management have done good thing to depute the workers to some other Projects of the same Management without retrenching the surplus staff. No doubt Rule 12 of the Certified Standing Order shows that a worker can be transferred to one site to other site but when the circumstance is such when question of retrenchment of pay of the workers once the transfer can be made in the interest of the Management to other place on deputation and normally Tribunals and Courts should not interfere in the matters of transfer. I am not inclined to agree with the learned Counsel appearing on behalf of the Union these in view of Rule 12 of the Certified Standing Order no order of transfer can be made. As I have stated normally there should be no transfer but when the circumstances demands the Management has got right to transfer his workers in the interest of the Management and to avoid retrenchment. When the Union has agreed that the transfer should be on deputation now they can not take a stand that it is against the Rule 12 of the Certified Standing Order. As per my above discussion I am of the opinion that the transfer order made vide Memo No. 245/OCC/HQP/Dated 19-5-1994 is not unjustified. Hence, this Issue is answered in favour of the 1st Party-Management.

Issue No. II :

8. The certified copy of the judgement passed by the Presiding Officer, Labour Court, Bhubaneswar in I.D. Misc. Case No. 199/94 has been exhibited on behalf of the Management as Ext.-J. This case arose on the petition filed by the 29 persons including 11 persons who were concerned in this reference under

Section 33-C(2) of Industrial Dispute Act for computation of their monetary benefits. The Labour Court after taking evidence from the parties and referring the documents exhibited have observed that "the applicants can not be treated to be laid off by the employer as Management has offered alternative employment to them and they have not accepted it". It has been further observed by the Labour Court the transfer of the applicants has been done as per the provisions of the Standing Order and so the applicants are not capable of computation in terms of money. This fact has not been disputed by the Union. I agree with the findings of the Labour Court that the workers are not entitled to any monetary benefits. Hence, this Issue is also answered in favour of the 1st Party-Management.

9. As per my findings in respect of Issue No. I and Issue No. II the action of the Management by transferring its workmen on deputation basis from Haridaspur Quarry Project to Upper Jonk Spilway Project vide Memo No. 245/OCC/HQP/Dated, 19th May, 1994 is justified and the workmen are not entitled for any relief.

10. The reference is answered accordingly.
Dictated and corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2001

का.आ. 2745.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.पी. स्टेट माइनिंग कॉर्पो. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-2001 को प्राप्त हुआ था।

[सं. एन-29011/21/87-डी-III(बी)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 14th September, 2001

S.O. 2745.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M. P. State Mining Corporation Ltd. and their workman, which was received by the Central Government on 22-8-2001.

[No. L-29011/21/87-D-III(B-II)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/184/87

Presiding Officer.—Shri K. M. Rai.
The General Secretary,
Satna Stone & Lime Workers Union,
79/10, Krishan Nagar,
Satna (MP).

Applicant.

Versus

The Managing Director,
M.P. State Mining Corporation Ltd.,
Bhopal (MP).

.. Non-applicant.

AWARD

Passed on this 1st day of August, 2001

1. The Government of India, Ministry of Labour vide order No. L-29011/21/87-D.IIIB dated 11-9-87 has referred the following dispute for adjudication by this tribunal—

"Whether the action of the management of M.P. State Mining Corporation Ltd. Satna in closing down the tamer Bauxite Mine w.e.f. 10-10-86 without obtaining prior permission of the Central Government and retrenchment of 33 workman is legal and justified? If not, what relief the workmen concerned are entitled to?"

2. Neither the workmen nor any representative of the Union were present on 31-7-2001 when the case was called on for hearing. No adequate reason has been assigned for not appearing on the date of hearing. Hence proceeded ex-parte against the Union.

3. Nobody appeared on behalf of the Union to prove the claim of the workmen. In this way no dispute exists between the parties in the present case. In view of this fact, no dispute award is passed.

4. On the above said reasons, the workmen are not entitled to any relief as claimed by them. The reference is accordingly answered in favour of the management and against the workman.

5. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2001

का.आ. 2746.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2001 को प्राप्त हुआ था।

[सं. एन-11021/5/2001-आईआर(एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 14th September, 2001

S.O. 2746.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Visakhapatnam, as shown in the Annexure in the Industrial Dispute between employers in relation to the management Visakhapatnam Port Trust and their workman, which was received by the Central Government on 17-9-2001.

[No. H-11021/5/2001-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, VISAKHAPATNAM

PRESENT :

Sri K. Veerapu Naidu, B.Sc., B.L., Chairman,
Industrial Tribunal and Presiding Officer,
Labour Court, Visakhapatnam.
Dated : 16th day of July, 2001

I.T.I.D. (C) 43/99

Direct filing under Section (2) of Section 2A of
the Industrial Disputes Act, 1947.

BETWEEN

H. V. Gilby S/o V. T. Gilby
Khalasi (SH) Arilova,
Visakhapatnam .

Workman

AND

1. Visakhapatnam Port Trust,
Rep. by its Chairman, Visakhapatnam.
2. The Chief Mechanical Engineer,
Visakhapatnam Port Trust,
Visakhapatnam. . . Management

This dispute coming on for hearing before me in the presence of Sri S. L. Prasada Rao, Advocate for Workman and of Sri G. Venkata Reddy, Advocate for Respondents 1 and 2. Workman is absent. No representation. Upon perusing the material papers on record, the court passed the following :

AWARD

Workman is absent. No representation to the workman

The Respondents submitted the appeal is allowed in part ordering reinstatement of the workman without back wages and the workman is already reinstated. Hence the petition is dismissed for default. No costs.

Nil Award is passed.

Given under my hand and seal of the court this the 16th day of July, 2001.

S. K. VEERAPU NAIDU, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2001

का.आ. 2747.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नुसारही ओसाही माईन्स के प्रबंधन के संबंध निर्योजकों और उनके कारिगारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रक.शित करती है, जो केन्द्रीय सरकार को 17-9-2001 को प्राप्त हुआ था।

[सं. एन-29011/29/97-आईआर (एम)]

बी.एम. डेविड, अवसर सचिव

New Delhi, the 17th September, 2001

S.O. 2747.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (Orissa) as shown in the Annexure, in the industrial dispute between the employers in relation to the Nuasahi Chromite Mines and their workmen which was received by the Central Government on the 17-9-2001.

[No. L-29011/29/97-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS, (Sr. Branch) Presiding
Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 169/2001

Date of concluding of the hearing 3rd Aug., 2001

Date of Passing Award 3rd September, 2001

BETWEEN :

The Management of Nuasahi Chromite
Mines of M/s IMFA Ltd., Rasulgarrh,
Bhubaneswar.

. . . 1st Party-
Management

AND

Their Workman, Shri Haramohan
Bal and 4 Others,
At/P.O. Dhanuryaypur, Keonjhar,
Dist. Keonjhar.

. . . 2nd Party-
Workman

APPEARANCES :

Mr. M. R. Mahapatra and Mr. M. R. Kar—For
the 1st Party-Management

None.—For the 2nd Party-Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause(d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-2011/29/97/IR(M), dt. 26-5-1998 :—

“Whether the demand of the workmen for payment of wages and other benefits for the period of lockout which was declared by the management of Nuasahi Chromite Mines of IMFA in contravention of Section 22(2) of the Industrial Dispute Act, 1947 is justified? If not, what relief the workman are entitled to?”

2. The dispute has been raised at the instance of the 2nd Party-Workman. So the onus lies on him to establish his case by producing either oral documentary evidence. After he produces materials the 1st Party-Management could challenge the same either by producing oral or documentary evidence. But in this case the Workman has not filed his Claim Statement

in support of his case. He has not come to the witness box to give his oral evidence or to exhibit documents in support of his stand that the action taken by the 1st Party-Management is illegal and un-justified.

3. In the circumstances above, when no materials have been produced on behalf of the 2nd Party-Workman, it can be concluded that the Workman has got no grievance against the action taken by the Management and he has got no cause of action. In other words the action taken by the 1st Party-Management is justified and the 2nd Party-Workman is not entitled for any relief.

4. Reference is answered accordingly.

Dictated and Corrected by me,

S. K. DHAL, Presiding Officer.

नई दिल्ली, 14 सितम्बर, 2001

का.आ. 2748:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-09-2001 को प्राप्त हुआ था।

[सं.एल.-20012/73/92-आईआर(सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 14th September, 2001

S.O. 2748:—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 14-9-2001.

[No. L-20012/73/92-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Piswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 73 of 1993

PARTIES :

Employers in relation to the management of Bharat Coking Coal Ltd's, Kankane Colliery and their workman.

APPEARANCES :

On behalf of the workman : None.

3058 GI/2001-20

On behalf of the employers : Shri H. Nath, Advocate.

STATE : Jharkhand.

INDUSTRY : Coal.

Dated, Dhanbad, the 27th August, 2001

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(73)/92-I.R. (Coal-I) dated, the 28th May, 1993.

SCHEDULE

"Whether the date of birth of Shri Ramdeo Gope, M/Loader as recorded by the management of Kankane Colliery is correct? If not, to what relief he is entitled?"

2. The case of the concerned workman as per his W.S. in brief is as follows :—

The concerned workman submitted that he was employed by the management at Kankane Colliery on 6-5-1993 as Miner/Loader. He submitted that though he was working under the management since that date, no date of birth was recorded in the Form B Register. His date of birth in the I.D. Card was recorded as 2-2-32 with remarks (As per the C.C. Circular Policy). He submitted further that during the course of conciliation proceeding the representative of the management explained that there was no age in the Form B Register in respect of the concerned workman. The Asstt. Manager as per the Standing Hdq. Policy called the concerned workman on the pit top and after knowing his age recorded the same in the I.D. Card. He submitted further that the management from the very inception constituted consultative committee consisting of the representative of the major trade union and consulted them on all major issues and recorded notes of discussion. It has been submitted by the concerned workman that there was no record to the effect that the Asstt Colliery Manager was authorised to record the age or to determine the age of the concerned workman interrogating them personally. It has been submitted that as per the service excerpt supplied to him, his date of birth was recorded as 12-1-32. From the I.D. Card it transpired that his date of birth was recorded as 2-2-32. As per JBCCI Implementation Instruction No. 76 it has been provided that if there is any variation of age as maintained in two different records as well as if the case is glaring one and that the person looks much younger than the age recorded, in that case the person should be sent to the Apex Medical Board for assessment of age. In spite of that specific instruction in Circular No. 76 the management did not consider necessary to refer him before the Apex Medical Board for determination of his age. On the contrary the management superannuated him during pendency of the proceeding arbitrarily and illegally. Accordingly an industrial dispute was raised resulting reference to this Tribunal.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in

his W.S. It has been submitted by the management that the date of birth of the concerned workman recorded in the Statutory Form B Register was 12-1-32 and the same date of birth was also recorded in the I.D. Card Register of the concerned workman. As per rules of the company service excerpt was also sent to the concerned workman wherein his date of birth was also recorded as 12-1-32. In spite of receiving the said service excerpt the concerned workman did not raise any objection. He only raised his dispute at the fag end of his service and for which the management relying on the decision of the Supreme Court submitted that such claim of the concerned workman could not be entertained. The management alleged that the concerned workman has raised the said dispute only with a view to get benefit of some more years of service illegally and arbitrarily knowing fully well that his date of birth was properly recorded in the Form B Register and also I.D. Card Register. In the result, the management submitted their prayer for passing an Award setting aside the claim of the concerned workman.

4. The points for decision in this reference are :—

“Whether the date of birth of Shri Ramdeo Gope, M/Loader as recorded by the management of Kankanee Colliery is correct? If not, to what relief he is entitled?”

DECISION WITH REASONS

5. The management in order to substantiate their claim has examined two witnesses namely MW-1 and MW-2 while the concerned workman did not consider necessary to adduce evidence in order to substantiate his claim. MW-1 during his evidence disclosed that date of birth of the concerned workman was recorded in the Form B Register while he entered his service and his date of birth was recorded in Sl. No. 594 of the Form B Register. The said Form B Register during his evidence was marked as Ext. M-1. This witness further disclosed that his date of birth was also recorded in the I.D. Card register maintained by the management and according to Sl. No. 35369 in page No. 113 of the I.D. Card his date of birth was recorded as 12-1-32. A copy of the service excerpt was also issued to the concerned workman wherein his date of birth relying on the Form B Register was also recorded as 12-1-32. Disclosing all the facts the management submitted that nowhere there was any discrepancy in the matter of recording of date of birth of the concerned workman in the Form B Register as well as I.D. Card Register as alleged by the concerned workman. The management further submitted that the service excerpt was supplied to the concerned workman in the year 1987 with opportunity to file his objection, if any. But in spite of receiving the said service excerpt the concerned workman did not consider necessary to raise any dispute relating to his date of birth in the Form B Register as well as I.D. Card Register. The concerned workman in his W.S. submitted that his date of birth in the I.D. Card Register was recorded as 2-2-32 as per CC Circular Policy though his date of birth in the Form B Register was recorded as 12-1-32. It appears from the record that after closing the evidence on the part of the management the concerned workman got opportunity to adduce

his evidence. But he did not consider necessary to do so. Even the concerned workman did not consider necessary to produce I.D. Card wherein his date of birth was recorded as 2-2-32. It is the contention of the concerned workman that when there was a gross discrepancy in two official records in the matter of recording his date of birth, according to JBCCI Circular No. 76 the management was bound to send him to the Apex Medical Board for determination of his age but the management did not consider necessary to do so. I do not want to raised any dispute relating to the facts which the concerned workman disclosed in his W.S., but the concerned workman cannot avoid his responsibility to show such ugly discrepancy appearing in the Form B Register as well in the I.D. Card Register relating to his date of birth. Question of sending the concerned workman to Apex Medical Board for determination his age will definitely arise if any such gross discrepancy is exposed in two different registers which are maintained by the management. I have already discussed above that the concerned workman has got ample opportunity to produce the relevant I.D. Card before the Tribunal in support of his claim but he did not consider necessary to produce the same. Therefore, just relying on the facts which the concerned workman disclosed in his W.S. I find little scope to ignore the relevant document namely Form B Register Ext. M-1 and I.D. Card Register Ext. M-2 wherein the date of birth was recorded as 12-1-32. No satisfactory explanation on the part of the concerned workman is forthcoming before the Tribunal why after receiving the service excerpt in the year 1987 he did not raise any dispute relating to his date of birth recorded therein. It is seen that in spite of receiving the service excerpt the concerned workman kept himself silent and he raised this dispute only during the fag end of his service. In this connection the management referred to a decision reported in 1993(82)-FJR-301. In the said decision Their Lordships of the Apex Court held that entry of date of birth in service records and that an application by an employee for correction of age must be made without reasonable delay even if no period of limitation is prescribed. In this case the concerned workman has failed to justify why he made such unnecessary delay in raising such dispute. I have carefully considered all the relevant papers produced by the management in relation to the date of birth of the concerned workman and I hold that the date of birth recorded in the Form B Register as well as I.D. Card are same and identical. I have failed to find out any discrepancy therein. Therefore, at this juncture I do not find any sufficient ground in absence of any cogent evidence to uphold, the contention of the concerned workman. In the result, the following Award is rendered :—

“The date of birth of Shri Ramdeo Gope, M/Loader as recorded by the management of Kankanee Colliery is correct. Consequently the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2001

का.प्र. 2749:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-09-2001 को प्राप्त हुआ था।

[सं.एल-20012/88/92-आईआर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 14th September, 2001

S.O. 2749.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 14-9-2001.

[No. L-20012/88/92-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 67 of 1993

PARTIES :

Employers in relation to the management of Hariajam Colliery of M/s. CCL and their workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 27th August, 2001

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/88/92-I.R. (Coal-1), dated, the 21st May, 1993 :

SCHEDULE

“Whether the demand of Bihar Colliery Kamgar Union for regularisation of Shri Ajit Kar-kamar, Nity Buri, Ram Chandra Shaw and

Surendra Buri, as Blacksmith by the management of Hariajam Colliery, M/s. CCL is justified. If not, to what relief the concerned workmen are entitled ?”

2. The case of the concerned workmen as per W.S. in brief is as follows :—

The concerned workmen submitted that they were performing permanent nature of job under the direct control and supervision of the management as Blacksmith for more than 240 days in each calendar year. In course of discharge of their duties as Blacksmith they submitted that all the materials for execution of the job had been supplied by the management. The job which they performed were permanent in nature and the same was required essentially for the interest of the management to uplink its production. It has been further submitted that a shadow intermediary was kept between them and the management to show that they were the men of intermediary/contractor but in fact they were regular workmen under the control and supervision of the management and they used to work there at least 8 hours in a day. They further disclosed that the management implemented wage Board Recommendation which had got its statutory force and as per Wage Board Recommendation Blacksmiths are entitled for Cat. IV wages. Accordingly they submitted their representation before the management several times for regularisation of their service as Blacksmith in Cat. IV and in respect of wages according to NCWA with retrospective effect but that yielded no result. Accordingly finding no other alternative way they raised industrial dispute which resulted in reference to this Tribunal.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workmen asserted in their W.S. The management submitted that there was no employer employee relationship in between them and the concerned workmen and for which the instant reference in question has got no legal value. It is submitted that the management being the Public sector undertaking maintains appropriate norms in the matter of giving employment to different workmen in the colliery. Accordingly they have categorically denied the fact about employment of these concerned workmen under the management. The management also denied the fact that they worked in the colliery as Blacksmith under the contractor for a continuous period. The concerned workmen did not disclose the name of the contractor/intermediary under whom they used to work. Accordingly in all probabilities the concerned workmen never worked as contractor's workers under any contractor and for which they have kept everything concealed for their own interest only with a view to get their employment illegally. The management also submitted further that the concerned workmen have failed to produce a single scrap of paper to show that they worked in the colliery under the contractor or directly under the management. The contractor workers can only demand absorption under the management if there is Notification under Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 prohibiting employment of Contract Labour on particular job. Accordingly the management have prayed for passing an Award rejecting the claim of the concerned workmen.

4. The points for decision in this reference are :—

“Whether the demand of Bihar Colliery Kamgar Union for regularisation of Shri Ajit Karkamar, Nity Buri, Ram Chandra Show and Surendra Buri as Blacksmith by the management of Hariajam Colliery, M/s. CCL is justified? If not, to what relief the concerned workmen are entitled?”

Decisions with Reasons

5. It is the specific claim of the concerned workmen that they worked under the direct control and supervision of the management for a continuous period and in course of carrying on their job as Blacksmith the management supplied all the materials to them. It has been further submitted that as the job of Blacksmith is permanent in nature they submitted representation for their absorption but the management refused to do so taking the plea that they are the men of the contractors. It has been alleged by the concerned workmen that the management engaged one contractor and forced them to work under him with some ulterior motive. On the contrary the management categorically denying all the claims and allegation submitted that the concerned workmen never worked at Hariajam Colliery as Blacksmith either directly under the management or through contractor. The management disclosed that the concerned workmen in support of their claim has failed to produce a single scrap of paper to show that they worked in the said colliery continuously for more than 240 days in each calendar year for a long period. It has been alleged specifically by the management that the claim of the concerned workmen is not only fictitious but they made the said claim only with a view to get their employment illegally exercising undue influence.

6. Now considering the facts disclosed by the concerned workmen and also the management it transpires that they have made claim and counter claim against each other. When the concerned workmen claimed that they worked at Hariajam Colliery under the management for a long period the management categorically denied this fact. From the W.S. It is not clear how long the concerned workmen worked there and from which period. They also in support of their claim did not consider necessary to submit a single scrap of paper. Even they did not consider necessary to disclose the name of intermediary contractor under whom they worked. The instant reference was made before 1993 and as per reference made by the management the instant case was started in the year 1993. From the record it will expose clearly that inspite of giving sufficiency chance to the concerned workmen they did not consider necessary to appear before the Tribunal and also to adduce evidence to substantiate their claim. They have made claim that they worked under the management as Blacksmith. Just mere claim in any circumstances does not justify or prove its genuinity untill and unless the same is established by cogent documentary evidence. Onus was on the concerned workmen to establish their claim but they have lamentably failed to establish the same inspite of opportunities received by them. As such just relying on the claim made in the W.S. I do not find any scope to say that the concerned workmen are entitled to get regularisation

of their service under the management. In the result, the following Award is rendered :—

“The demand of Bihar Colliery Kamgar Union for regularisation of Shri Ajit Karkamar, Nity Buri, Ram Chandra Show and Surendra Buri as Blacksmith by the management of Hariajam Colliery M/s. CCL is not justified. Consequently, the concerned workmen are not entitled to get any relief.”

B. BISWAS, Presiding Officer.

नई दिल्ली, 14 सितम्बर, 2001

का.आ. 2750.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाद को प्रकाशन करती है, जो केन्द्रीय सरकार को 14-09-2001 को प्राप्त हुआ था।

[सं.एल-20012/148/92-आई आर (सी-1)]

एस. एस. गुप्ता, अव्वर सचिव

New Delhi, the 14th September, 2001

S.O. 2750.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 14-9-2001.

[No. L-20012/148/92-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute
under Section 10(1)(d) of the I.D.
Act, 1947.

Reference No. 43 of 1993

PARTIES

Employers in relation to the management
of Loyabad Coke Plant of M/s.
BCCL.

AND

Their Workman

Appearances :

On behalf of the workman.—None.

On behalf of the employers.—Shri H. Nath, Advocate.

STATE : Jharkhand. INDUSTRY : Coal.

Dated, Dhanbad, the 28th August, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-2001214892-I.R.(Coal-I), dated, the 10th May, 1993.

SCHEDULE

“Whether the action of the management of Loyabad Coke Plant in denying employment to Shri Jagdish Thakur S/o Shri Prasadi Thakur is justified ? If not, to what relief the workman is entitled ?”

2. The case of the concerned workman as per his W.S. in brief is as follows :—

It has been submitted by the concerned workman that he was a casual Mazdoor at Loyabad Coke Plant for a considerable period. He alleged that the management without assigning any reason stopped him from work. He submitted that consequent upon their arbitrary stoppage of work the union took up the issue with the management and later an industrial dispute with the ALC(C) was filed. In course of conciliation a settlement between the management and the workman represented by the union was reached on 15-11-85. In terms of the said settlement the management agreed that 113 persons whose names were attached in the annexure shall be given with employment as casual wagon loader as and when there would be requirement at Loyabad Coke Plant. The concerned workman submitted that in accordance with the above settlement the management demanded certain identification papers to be supplied by the concerned workman. According to that demand the concerned workman Jagdish Thakur son of Prasadi Thakur also submitted relevant papers. It has been alleged that the management inspite of inspecting those papers did not provide him with any employment though the management employed other listed persons

as per agreement. The concerned workman submitted that the management illegally and arbitrarily ignored his case violating the principles of natural justice. Accordingly the concerned workman raised this industrial dispute which resulted reference to this Tribunal.

3. The management after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in his W.S. The management submitted that as per agreement while they agreed to give employment to the concerned workman two persons named Jagdish Thakur came forward and demanded for employment. At that time one Prabhu Thakur son of Rameshwar Thakur who claimed himself to be the brother Jagdish Thakur submitted a complaint to the Deputy Commissioner, Dhanbad on 20-9-86 in the matter of taking an attempt on the part of Jagdeo Thakur Son of Prasadi Thakur to get his employment in place of his brother Jagdish Thakur son of late Rameshwar Thakur. On receipt of the said complaint the then Deputy Commissioner Dhanbad vide his letter dt. 29-6-86 wrote to the Director (P) Koyala Bhawan, M/s. BCCL in this matter. It has been confirmed after enquiry by the Additional District Magistrate that one Jagdish Thakur son of Prasadi Thakur is likely to get employment in place of genuine worker Sri Jagdish Thakur son of Late Rameshwar Thakur. He further stated in that letter that the appointment of this Jagdish Thakur (Actually Jagdeo Thakur son of Prasadi Thakur) should be cancelled forthwith so that genuine Jagdish Thakur son of Late Rameshwar would get justices. Under the circumstances, the management submitted that they could not consider employment of alleged concerned workman. Accordingly the management submitted that the claim of the concerned workman finds no basis and for which they have prayed for passing an Award rejecting the claim of the alleged concerned workman.

The points for decision in this reference are :—

“Whether the action of the management of Loyabad Coke Plant in denying employment to Shri Jagdish Thakur S/o Shri Prasadi Thakur is justified ? If not, to what relief the workman is entitled ?”

DECISIONS WITH REASONS

Considering the W.S. submitted by the parties I find no dispute to hold that the union and the management entered into an agreement in the matter of giving employment to 113 casual worker. The list containing the name of the worker was given to the management for consideration. In the midst of giving employment a dispute cropped up relating to the identification of the concerned workman. It is the specific claim of the management that at the time of consideration of the credential of this concerned workman one Prabhu Thakur son of late Rameshwar Thakur by submitting an application mentioned that the concerned workman was trying to get his job in the name of his brother Jagdish Thakur. As the allegation in question was serious one an enquiry was taken up by the A.D.M. and in course of enquiry it revealed that the alleged concerned workman Jagdish Thakur is a fake person and he was trying to get his employment in place of genuine worker i.e. Jagdish son of late Rameshwar Thakur. Therefore, the moot question which has cropped up here is whether the present workman is a genuine person or not. Under the circumstances, onus absolutely lies on the concerned workman to establish that he is the genuine Jagdish Thakur and his claim stands on stable footing. Record will speak clearly that inspite of giving several chances the concerned workman did not consider necessary to appear before the Tribunal with a view to justify his claim. He also did not consider necessary to adduce any evidence in support of his claim. Accordingly just relying on the facts disclosed in the W.S. filed by the concerned workman there is little scope to uphold his claim particularly when the management categorically submitted that the claim of the concerned workman is not genuine as because he is not the genuine person for getting his employment. As such after careful consideration of all the facts and circumstances which has been discussed above, I do not find any reason to give any relief to the concerned workman according to his prayer. In the result the following Award is rendered :—

“The action of the management of Loya-bad Coke Plant in denying employment to Shri Jagdish Thakur son of Shri Prasadi Thakur is justified.

Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2001

का.आ. 2751.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबंध नियो-जकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-09-2001 को प्राप्त हुआ था।

[सं. एल-20012/38/99-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 14th September, 2001

S.O. 2751.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 14-9-2001.

[No. L-20012/38/99-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas.—Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947.

Reference No. 228 of 1999

PARTIES :

Employers in relation to the management of Bhalgora Area of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the Workman.—Shri D. K. Verma, Advocate.

On behalf of the Employers.—Shri R. C. Jha, Advocate.

STATE : Jharkhand. INDUSTRY : Coal.

Dated, Dhanbad, the 28th August, 2001.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/38/99-IR(C-I), dated the 4th June, 1999.

SCHEDULE

"Whether the action of BCCL management in dismissing the concerned workman Shri Raj Kumar Pandey, w.e.f. 19-9-97 is legal and justified? If not, what relief the workman is entitled?"

2. In this reference a settlement was filed before this Tribunal. The settlement was duly signed by the workman side and the management. I heard both the parties on the said settlement and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the said settlement and pass an Award in terms thereof which forms part of the Award as Annexure.

B. BISWAS, Presiding Officer
FORM-"H"

ANNEXURE

MEMORANDUM OF SETTLEMENT ARRIVED
AT BETWEEN THE MANAGEMENT OF
KUSTORE AND THE WORKMAN REPRESENTATIVE OF JANTA MAZDOOR SANGH
DATED 9-7-2001

Representing Management :

1. Shri M. Jha,
General Manager,
2. Shri A. Prabhakar,
Dy. Chief Personnel Manager,

Representing Workman/Union:

1. Shri J. N. Singh Dharampuri,
Working President, J.M.S.
2. Shri D. N. Singh,
Area Secretary, J.M.S. K/Area.
3. Shri Raj Kr. Pandey,
the workman concerned.

Short Recital of the Case :

Sri Raj Kumar Pandey, Pump Khalasi (working as Switch Board Attendant) was dismissed from the services of the Company vide reference No. BCCL/HRC/KA/Agent/97 dated 18th September, 1997 on the basis of proved misconduct of charges levelled against him for sleeping on duty, assault etc. vide chargesheet No. BCCL/KA/HRC/Agent/581 dated 29th July, 1997. Sri Pandey submitted mercy petition requesting for his reinstatement, the General Secretary, Janta Mazdoor Sangh, represented his case before the management and finally case was settled on following terms :

TERMS OF SETTLEMENT :

1. That Sri Raj Kumar Pandey, Ex-Pump Khalasi, Hurriladih Colliery will be re-instated in the services of the company subject to following terms and conditions :

- (a) Medical Fitness from the Area Medical Board.
- (b) P.F. Gratuity has not been withdrawn by Sri Raj Kumar Pandey.

(c) The case is not sub-judice under any court of law. Neither any Industrial Dispute is raised before the ALC(C) Conciliation Officer nor any dispute is pending before CGIT regarding the issue in question.

(d) On re-instatement, Sri Pandey will discharge his duty with sincerity, devotion and loyalty in the best interest of the Company.

(e) Identity is established in reference to the Company's records/documents.

(f) He will not be entitled for any wages nor he will claim any wages for the period of his recorded absence followed by discharge and subsequent reinstatement and intervening period shall be construed as dies-non. He shall be entitled for increment after satisfactory completion of one year service after re-instatement.

(g) He will give undertaking to the effect that he will not repeat any misconduct nor indulge in any act subversive of discipline failing which he shall render himself for stern disciplinary action as per the gravity of the case in terms of certified standing orders as applicable.

(h) He will be posted at Kusunde Area in underground mines only.

(i) He will abide by the Coal Mines Pension Scheme 1998 and contribution thereof as applicable.

(j) A copy of this settlement shall be sent to RLC(C)/ALC(C), Dhanbad and other concerned authorities for information and necessary action.

Signatures :

Sd/-

1. (M. Jha)
General Manager.

Sd/-

2. (A. Prabhakar)
Dy. Chief Personnel Manager.

Signatures :

Sd/-

1. (J. N. Singh Dharampuri)
Working President, J.M.S.

Sd/-

2. (D. N. Singh)
Area Secretary, J.M.S. K/Area.

Sd/-

3. (Raj Kr. Pandey)
The workman concerned.

Witness :

1. Surendra Kr. Singh,
2. Devendra Singh.

नई दिल्ली, 14 सितम्बर, 2001

If not, to what relief the workman is entitled?"

का.आ. 2752.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-09-2001 को प्राप्त हुआ था।

[सं. एल-20012/156/92-आई.आर. (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 14th September, 2001

S.O. 2752.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCIL and their workman, which was received by the Central Government on 14-9-2001.

[No. L-20012/156/92-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas.--Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947.

Reference No. 86 of 1993

PARTIES :

Employers in relation to the management of P.B. Project of M/s. BCCIL and their workman.

APPEARANCES :

On behalf of the Workman.—None.

On behalf of the Employers.—Shri B. Joshi, Advocate.

STATE : Jharkhand. INDUSTRY : Coal.

Dated, Dhanbad, the 28th August, 2001.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. I-20012(156)/92-I.R.(Coal-I), dated, the 7th July, 1993.

SCHEDULE

"Whether the action of the management of Putki Bahari Project in withholding the payment of underground allowance to Shri N. C. Choudhury, Mining Sirdar is justified

2. In this reference both the parties appeared before this Tribunal and filed their respective W.S. documents etc. Subsequently at the stage of oral evidence the workman side abstained from taking any debts in this case. Thereafter registered notices were sent to the workman but in spite of issuance of notices, the workman side did not consider necessary to appear before this Tribunal for taking necessary steps. It reveals from the record that the reference is pending since 1993 and for which there is no reason to keep the same alive year after year of the result will of the workman. Under such circumstances, a 'No dispute' Award is rendered and the reference is disposed of on the basis of 'No dispute' Award presuming non-existence of any industrial dispute between the workman and the management presently.

B. BISWAS, Presiding Officer.

नई दिल्ली, 14 सितम्बर, 2001

का.आ. 2753.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-09-2001 को प्राप्त हुआ था।

[सं. एल-20012/170/92-आई.आर. (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 14th September, 2001

S.O. 2753.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCIL and their workman, which was received by the Central Government on 14-9-2001.

[No. L-20012/170/92 IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 109 OF 1993

PARTIES :

Employers in relation to the management of
Moonidih Project of M/s. BCCL.

AND

Their Workman

APPEARANCES :

On behalf of the workmen.—None.

On behalf of the employers.—Shri H. Nath,
Advocate.

STATE : Jharkhand. INDUSTRY : Coal

Dated. Dhanbad, the 28th August, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(170)/92-I.R. (Coal-I), dated, the 16th July, 1993.

SCHEDULE

“Whether the action of the management of Moonidih Coal Washery under Moonidih Area of M/s BCCL, F.O. Moonidih, Dt. Dhanbad in denying the regularisation of S/Shri Chhetelal Dom and Baldev Dom, Sweeping and cleaning Mazdoor w.e.f. 1986 with all benefits is justified? If not, to what relief the workmen are entitled?”

2. In this reference both the parties appeared and filed their respective W.S. Subsequently the workman side abstained from appearing before this Tribunal taking any steps. Thereafter registered notices were sent to the workman side but inspite of issuance of the notices the workmanside did not consider necessary to appear before this Tribunal for taking any steps. The management side however, represented through their learned Advocate all along. It reveals from the record that the instant reference is pending since 1993 there is no reason to keep the same alive any more for taking steps by the workman side. Under such circumstances, a ‘No dispute’ Award is rendered and the reference is disposed of on the basis of the ‘No dispute’ Award presuming nonexistence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2001

का.अ. 2754—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम सं. 2, 3058 GI/2001—21

धनबाद जेपचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-2001 को प्राप्त हुआ था।

[स. एल-20012/268/92-आई आर (सी-1)]

एस.एस. गुप्ता, अवसरसचिव

New Delhi, the 14th September, 2001

S.O. 2754.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 14-9-2001.

[No. L-20012/268/92-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute
under Section 10(1)(d) of the I.D.
Act, 1947.

Reference No. 160 of 1993

PARTIES :

Employers in relation to the management
of Bastacolla Area of M/s. BCCL.

AND

Their Workman

Appearances :

On behalf of the workman—Shri T. P.
Jha, Advocate.

On behalf of the employers.—Shri B.
Joshi, Advocate.

STATE : Jharkhand. INDUSTRY : Coal.

Dated. Dhanbad, the 29th August, 2001

AWARD

The Govt. of India, Minister of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(268)/92 I.R. (Coal-I), dated, the 22nd September, 1993.

SCHEDULE

“Whether the action of the management of Golakdih Open Cast Project under Bastacolla Area of BCCL, P.O. Jharia, Dist. Dhanbad in not accepting the date of birth of Shri Shashanko Mishra as 1-7-34 as per service excerpts and refusal to refer the workman to the Apex Medical Board for assessment of his age in case of different dates of birth in Form ‘B’ is justified ? If not, to what relief the workman is entitled ?”

2. The case of the concerned workman as per his W.S. in brief is as follows :—

The concerned workman has raised the present industrial dispute due to his illegal superannuation with effect from 1-7-1990 by the management of Golukdih Open Cast Project under Bastacolla area of M/s. BCCL. The concerned workman submitted that as per I.D. Card bearing No. 81128 which was issued in his favour on 24-7-73 his date of birth was accorded as 1-7-34. The said I.D. Card was issued under the signature of the Personnel Officer, Golukdih Colliery. Apart from that the management also issued service excerpts on 20-6-87 duly signed by the Personnel Officer of the management and in the said service excerpt his date of birth was also recorded as 1-7-34. Accordingly the concerned workman submitted that his date of superannuation comes with effect from 1-7-94 and not from 1-7-90 but the management illegally and arbitrarily superannuated him with effect from 1-7-90. The concerned workman further submitted that as per JBCCI Instruction, No. 76 when a dispute relating to the date of birth comes into existence contrary to the date of birth recorded in the official record the management in such circumstances shall refer the concerned workman to the Apex Medical Board for verification of his age. But inspite of that instruction the management did not consider necessary to refer him to the Apex Medical Board for verification of his age. It is the specific allegation that the management whimsically denying their own record and violating the clear instruction of the standing order illegally and arbitrarily and also violating the principles of natural justice superannuated him with effect from 1-7-90. As such the concerned workman has prayed for passing

necessary award to the effect that he should be taken into employment with all monetary benefits and full back wages from 1-7-90 till the date of his superannuation according to the date of birth recorded in the official record.

3. The management on the contrary after filing W.S.-cum-rejoinder has denied all the claims and allegation which the concerned workman asserted in his W.S. It has been submitted by the management that the date of birth of the concerned workman as per Form B Register which is maintained by them was 1-7-30. The management submitted further that the date of birth of the concerned workman in the C.M.P.F. record was also recorded as 1-7-30. Accordingly it has been submitted by the management that a declaration of the concerned workman relating to his date of birth in the Form B Register and C.M.P.F. record becomes binding upon him and as such the management rightly superannuated him with effect from 1-7-90. The management further submitted that the concerned workman by manipulating the office record obtained service excerpt in the year 1987 recording his date of birth as 1-7-34. Accordingly the management submitted that the concerned workman is not entitled to get any relief which the concerned workman has prayed for.

4. The points for decision in this reference are :—

“Whether the action of the management of Golakdih Open Cast Project under Bastacolla Area of BCCL, P.O. Jharia, Dist. Dhanbad in not accepting the date of birth of Shri Shashanko Mishra as 1-7-34 as per service excerpts and refusal to refer the workman to Apex Medical Board for assessment of his age in case of different date of birth in Form ‘B’ is justified ? If not, to what relief the workman is entitled ?”

DECISIONS WITH REASONS

5. The management in order to rebut the claim of the concerned workman examined one witness while the concerned workman examined two witnesses including himself in order to substantiate his claim. MW-1 during his evidence disclosed that the concerned workman was an employee under management as S.B. Attendance. This witness disclosed

that in the Form B Register the date of birth of the concerned workman was recorded as 19-7-30. The Form B Register during evidence was marked as Ext. M-1. This witness during his evidence admitted that in the year 1987 service excerpt was issued in favour of the concerned workman under the signature of the management. The service excerpt during evidence was marked as Ext. W-1. He also admitted that I.D. Card was also issued in favour of the concerned workman in the year 1973. The medical examination report issued by the Apex Medical Board during evidence of this witness was also marked as Ext. W-2. Relying on the Form B Register the management submitted that the date of birth of the concerned workman was recorded as 1-7-30 and for which they rightly superannuated the concerned workman with effect from 1-7-90. The management also relied on the C.M.P.F. record in the matter of recording of date of birth of the concerned workman recorded therein. But in course of hearing the management has failed to produce any such register to substantiate the claim in question. On the contrary it is the specific contention of the concerned workman that his date of birth was 1-7-34 and it was the management who issued the I.D. Card under the signature of the officials of the management in the year 1973. Apart from the existence of I.D. Card the concerned workman relied on the service excerpt issued by the management in the year 1987. Relying on the I.D. Card and the service excerpt issued by the management the concerned workman submitted that his date of birth was 1-7-34 and not 1-7-30. The concerned workman further submitted that in spite of gross-discrepancy appeared in the officials record of the management they did not consider necessary to send him to the Apex Medical Board to ascertain his age. The concerned workman submitted that in spite of his giving representation the management kept silent. On the contrary the management considering the case of some other employee sent them to the Apex Medical Board for verification of Age. In support of the claim the concerned workman relied on the document marked Ext. W-2. I have considered the relevant document (Ext. W-2) and I find veracity of the claim of the concerned workman. It is seen that as the dispute relating to the age of some workmen cropped up they were sent to the Apex Medical Board for their examination and the Apex Medi-

cal Board after conducting necessary medical examination of those employees submitted their report. No satisfactory explanation on the part of the management is forthcoming why the case of the concerned workman was not considered at all to ascertain what was the actual date of birth of the concerned workman. It has been submitted by the learned Advocate for the management that as Form B Register is considered as authentic document they did not consider necessary to send the concerned workman to the Apex Medical Board for verification of his age. The Form B Register during evidence was marked as Ext. M-1. This register is a zerox one wherein names of several employees have been recorded. In course of hearing learned Advocate for the management has failed to give any satisfactory explanation why they have failed to produce the original Form B Register. I have considered Sl. No. 647 of Form B register wherein the name of the concerned workman appears. As per this column the date of birth of the concerned workman was recorded as 1-7-30. The figure "O" appearing in the col. appears to be interpolated and as such it has casted serious doubt relating to the genuinity of the date of birth recorded in this Form B Register. It is not the case of the management that the original of Form B Register was lost or destroyed. Therefore, to wipe out this anomaly the management had the scope to produce the original Form B Register. But with utter surprise it is seen that they did not consider necessary to do so. The management during evidence could not deny the identity card issued to the concerned workman. It is seen that the said identity card was issued on 21-8-73 i.e. long, long before raising the instant dispute by the concerned workman. From this I.D. Card it transpires clearly that the date of birth of the concerned workman was recorded as 1-1-34. The management though admitted that service excerpt was issued in favour of the concerned workman in the year 1987. Submitted categorically that the date of birth in the said service excerpt was manipulated by the concerned workman. The service excerpt during evidence of the management was marked as Ext. W-1. It was duly signed by the P.M. after it was checked by the Clerk concerned. The P.M. is administrative official of the management. Therefore, if the claim of the management is taken into consideration then there is reason to believe that the P.M. was

also involved in manipulating official record with a view to give benefit to the concerned workman. In course of evidence the management has failed to establish that in connivance with the P.M. who was an Administrative Officer of the management the said service excerpt was issued showing wrong date of birth. On the contrary considering the Xerox copy of the Form 'B' register there is reason to believe that the figure "O" against the date of birth of the concerned workman as 1-7-30 was grossly overwritten. It is not the case of the management that the I.D. Card issued in favour of the concerned workman in the year 1973 wherein his date of birth was recorded was manufactured or manipulated. The management also did not deny the genuineness of the I.D. Card in question. Therefore, from the record of the management itself I find gross discrepancy relating to the age of the concerned workman. No doubt particulars recorded in the Form B Register carries immense value but before taking into consideration of the same the management must establish the fact that the particulars including the date of birth recorded in the Form B Register were made properly. I have already discussed above that interpolation of the figure "O" against date of birth of the concerned workman casted serious doubt relating to its proper recording. When such ugly dispute came into existence as per JBCCI Circular No. 76 the management had the scope to send the concerned workman before the Apex Medical Board for determination of his age but here I find that the management also took discriminatory role. When the management sent some other employees before the Apex Medical Board for determination of his age they did not consider necessary to consider the prayer of the concerned workman to send him before the Apex Medical Board for determination of his age in order to avoid all discrepancies cropped up in the official record. There is reason to believe that the management in this particular case acted arbitrarily and illegally. It is the categorical submission of the management that they did not commit any mistake in superannuating the concerned workman with effect from 1-7-90 as the date of birth of the concerned workman as per Form B Register was recorded as 1-7-30. I have already discussed above in details the discrepancy appearing in the date of birth recorded in the Form B Register. Naturally on the basis when that dis-

crepancy which came into existence, the management did not act wisely to stick to their point for not sending the concerned workman to the Apex Medical Board for determination of his age. The management has failed to establish the allegation of manipulation in the service excerpt regarding the date of birth recorded therein. The management also could not deny the genuineness of the I.D. Card issued to the concerned workman by them. These are the documents of the management. Therefore, until and unless the management proves that those documents are manufactured and manipulated just on the basis of their mere submission, I do not find any scope to reject or discard the document in question. I also do not find any scope to say in view of the facts and circumstances that the date of birth recorded in the Form B Register was genuine and proper. Accordingly after careful consideration of all the facts and circumstances I find sufficient reason to hold that the management acted arbitrarily and illegally to superannuate the concerned workman ignoring his appeal and also ignoring their own documents which they issued to the concerned workman. I, therefore, hold that the decision of the concerned workman was not only illegal and unfair but also it violated the principles of natural justice. The concerned workman under the facts and circumstances is entitled to get wages and all other benefits with effect from 1-7-90 to 30-6-94. In the result, the following Award is rendered :—

"The action of the management of Golakdih Open Cast Project under Bastacola Area of BCCL, P.O. Jharia, Dist. Dhanbad in not accepting the date of birth of Shri Shashank Mishra as 1-7-34 as per service excerpt and refusal to refer the workman to Apex Medical Board for assessment of his age in case of different dates of birth in Form 'B' was not justified. Consequently, the concerned workman is entitled to get wages and all other benefits with effect from 1-7-90 to 30-6-94."

The management is directed to implement the Award within three months from the date of its publication in the Gazette of India.

B. BISWAS, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2001

का.आ. 2755.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधन के संबद्ध रिजिस्ट्रारों और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-09-01 को प्राप्त हुआ था।

[सं. एन-20012/330/92-आई आर (सी-1)]
एस.एस. गुप्ता, अवर सचिव

New Delhi, the 14th September, 2001

S.O. 2755.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.C.L. and their workman, which was received by the Central Government on 14-9-2001.

[No. L-20012/330/92-IR(C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.
In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947.
Reference No. 193 of 1993

PARTIES :

Employers in relation to the management of
Religara Colliery of M/s. CCL and their
workman.

APPEARANCES :

On behalf of the employers : Shri B. Joshi,
Advocate.

On behalf of the workmen : None.
STATE : Jharkhand. INDUSTRY : Coal.

Dated, Dhanbad, the 27th August, 2001

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(330)92-I.R. (Coal-I), dated, the 5th/9th November, 1993.

SCHEDULE

“Whether the action of the management of Religara Colliery of M/s. C.C. Ltd., in depriving Shri G. Anandraj and Shri Jallaludin Clerk Gr. II of their Wage protection

already granted is justified? If not, to what relief is the workman concerned entitled?”

2. The case of the concerned workman as per his W.S. in brief is as follows :—

It has been submitted by the concerned workman that they were employed as piece rated worker at Religara Colliery as Coal Loader. They submitted that they started working there along with 12 others and in course of time their services were regularised as Clerk Grade-III in the scale of pay Rs. 460-16-636. The concerned workmen alleged that out of these persons five workmen have got the benefit of difference of wages with effect from 1-6-80 i.e. from the actual date of regularisation depriving the others. It has been disclosed by the concerned workmen that such discrimination was done by the management arbitrarily and illegally in respect of pay benefit. As a result, through the union they submitted their representation with a view to get pay protection but the management did not pay any heed to their representation. In the meantime the concerned workmen and others got their promotion from Clerical Grade-III to Clerical Gr. II but at that time too the management did not give any importance regarding their pay protection. Accordingly the matter was referred to the ALC (C) Hazaribagh for conciliation. But the management in course of hearing did not cooperate with the ALC(C) Hazaribagh as a result of which the said conciliation failed. The concerned workman submitted that it is an accepted principle of natural law that the wages prescribed for workman has to be protected. Section 9A of the I.D. Act, 1947 provides no change in the wage of a workman as service condition without proper notice and acceptance of such change proposed by the employer. They submitted that the concerned workmen were getting more wages as piece rated workers than the wages which they got during change of service in Clerical Grade-III. The difference of wages accordingly could have been paid by the management as personal pay but the management did not consider necessary to pass any order to that effect. Accordingly the concerned workmen raised an industrial dispute which resulted reference to this Tribunal. The concerned workman accordingly has prayed for passing award to the effect that the management should be directed to pay difference of wages to these workmen and other benefits with effect from the date of the office order.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workmen asserted in their W.S. It has been submitted by the management that the concerned workmen were previously working as piece rated worker. The piece rated worker belong to different group and the highest group VA meant for Miners/loaders deployed in mines directly on the coal face in connection with the winning coal. The management submitted that they offered different Piece rated worker holding minimum qualification of matriculation, clerical jobs after proper selection on the basis of their merit. In that process various piece rated workers under different groups were recruited in Clerical Grade. III. The names of the concerned workmen appear in Sl. No. 14 and Sl. No. 4 of the said recruitment list. It was observed that the average earning of some of the piece rated workers appearing

at Sl. No. 4, 5, 9, 12 and 18 were coming more than the wages of Clerical Gr. III and as a result these five persons were given difference of wages only as special measure to neutralise their financial loss suffered by them after conversion from piece rated to monthly rated clerical cadre. The management further submitted that all the 14 workmen were fixed in Clerical Grade, III and they continued to discharge the Clerical job in Grade, III. They were promoted by letter dt. 1-2-85 with effect from 1-2-84. It has been submitted by the management that it is unfortunate that the concerned workman after getting benefit of conversion from piece rated workers to clerical grade have become greedy and disregarded the benefits given to them and made the present case with some ulterior motive. The management submitted that Jalaluddin appearing at Sl. No. 4 had been provided with pay protection and for which he cannot have any claim in this regard. So far as the other workman G. Anandraj is concerned he was the junior most and his wages was less than the Clerical Grade, III and as such no pay protection was required to be given to him. Accordingly the management submitted that the claim of the concerned workmen appears to be baseless and they have made such claim with some ulterior motive. Accordingly the management has prayed for passing an Award in their favour.

4. The points for consideration in this reference are:—

“Whether the action of the management of Religara Colliery of M/s. CC Ltd., in depriving Shri G. Anandraj and Shri Jalaluddin Clerk Gr. II of their wages protection already granted is justified? If not, to what relief is the workman concerned entitled?”

DECISION WITH REASONS

5. It is admitted fact that the concerned workmen were originally piece rated workers under the management. It is also admitted fact that the management recruited the concerned workmen and 12 others in Clerical Grade, III being satisfied with their qualification. It is also admitted fact that in due course of time the concerned workmen got the promotion in Clerical Grade, II. It is the specific allegation of the concerned workmen that while some workmen were provided with pay protection when they were recruited to the post of Clerical Grade, III they had been deprived of and as a result those persons became higher in Pay in comparison to their salary. Accordingly the matter was placed before the management through the union for getting redress but the management did not give any importance to their representation. Thereafter the concerned workmen referred the matter to the ALC(C) Hazaribagh for conciliation but that conciliation failed due to non-cooperation on the part of the management. It is the specific case of the concerned workmen that as a result of discriminating policy adopted by the management they suffered financial loss. On the contrary the submission of the management appears to be quite different. It has been disclosed that some of the workmen were given any protection in Clerical Grade, III because of the fact that their wages while they worked as piece rated worker were higher than the salary in Cleri-

cal Grade, III when they were recruited. But in case of the concerned workmen their wages were less as piece rated workers than the salary in Clerical Gr. III when they were appointed. As such question of giving pay protection did not arise. It is seen that the concerned workman i.e. G. Anandraj and Jalaluddin have raised this industrial dispute in the matter as their claim for pay protection by the management was refused. The management submitted that Jalaluddin who is one of the concerned workman has already got his pay protection and for which he has no claim as per industrial dispute raised by him. In support of this claim the management relied on the order dt. 27/28-6-80. As regards claim of G. Anand Raj the management submitted that he was the junior most and his wages were less than the Clerical Grade, III and as such there was no scope to give any pay protection to him. The management did not raise any dispute about giving pay protection to some of the other workmen. An industrial dispute was raised by the concerned workmen because of the fact that they were deprived of the pay protection from the management. Accordingly, onus lies absolutely on the concerned workmen to show that the wages they used to receive as piece rated workers was more than the salary which they have got at the time of their appointment as clerical Grade, III under the management. Therefore, question of getting pay protection or personal pay only will arise if it is seen that the wages which they used to receive as piece rated worker was more than the salary which was given to them while they are appointed as Clerical Grade-III by the management. It has been categorically disclosed by the management that Jalaluddin i.e. one of the concerned workmen have already got pay protection vide order dated 27th June, 1980 as such the question of giving pay protection further to him did not arise. Accordingly it is the concerned workman i.e. Jalaluddin who is liable to justify his claim that illegally Management did not give him any pay protection. Untill and unless this aspect is established by the concerned workman there is no scope to consider such prayer. Another concerned workman i.e. Anand Raj also cannot avoid his responsibility to show that illegally and arbitrarily the management refused to give any pay protection to him. It is seen from the record, that several opportunities were given to the concerned workman to adduce evidence in support of their claim but they have failed to examine a solitary witness in order to substantiate their claim. The concerned workmen have that liberty to raise industrial dispute or in relation to their grievance but just raising such dispute definitely does not justify their claim untill and unless the same is established with cogent evidence at the time of hearing before the Tribunal. It is seen that the concerned workmen just raising an industrial dispute and also submitting W.S. have discharged their duties. They did not consider necessary to appear before the Tribunal with a view to establish their claim. Accordingly just on the basis of the fact disclosed in the W.S. submitted by the concerned workman I do not find any justification to uphold their contention particularly when the management after filing W.S.-cum-rejoinder have categorically denied that claim. I, therefore hold that the concerned workmen have failed to substantiate their claim lamentably and for which they are

not entitled to get any relief. In the result the following Award is rendered :—

“The action of the management of Religara Colliery of M/s. C.C. Ltd. in depriving Shri G. Anandraj and Shri Jallaluddin Clerk Gr. II of their wage protection already granted is justified. Consequently, the concerned workmen are not entitled to get any relief.”

B. BISWAS, Presiding Officer.

नई दिल्ली, 14 मितम्बर, 2001

का.अ. 2756.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-09-2001 को प्राप्त हुआ था।

[सं. एल-20012/375/92-आर्डर आर (सी-I)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 14th September, 2001

S.O. 2756.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 14-9-2001.

[No. L-20012/375/92-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 8 of 1994

PARTIES :

Employers in relation to the management of Loyabad Coke Plant of M/s. Bharat Coking Coal Ltd.

AND

Their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. K. Verma, Advocate.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Jharkhand.

INDUSTRY : Coal.

Dated, Dhanbad, the 30th August, 2001

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(375)/92-I.R. (Coal-I), dated, the 2nd December, 1993.

SCHEDULE

“Whether the action of the management of Loyabad Coke Plant of Bharat Coking Coal Ltd. in denying employment to Shri Ayodha Dusadh and 256 others is justified? If not, to what relief the workers are entitled for?”

2. The case of the union on behalf of the concerned workmen as per W.S. in brief is as follows :—

It has been stated that 438 delisted casual workmen worked for long in Loyabad Coke Plant and thereafter without any reason the management suddenly stopped them from work. It has been further stated that out of 438 workmen, 325 workmen were the members of the union who have filed the instant case namely Janta Mazdoor Sangh and 113 members were of R.C.M.S. Union. When all these 438 workmen were stopped from work by order of the management the said two unions namely Janta Mazdoor Sangh and R.C.M.S. took up the matter with the management for settlement. It is alleged that the management without considering the case of the present union i.e. Janta Mazdoor Sangh considered the case of the R.C.M.S. Union and came to a settlement by virtue of which 113 workmen were taken back in employment. However, in the midst of such pursuasion of Janta Mazdoor Sangh Union by G. M. Sijua Area No. 5 wrote letter dated 4-8-86 to the D.P. (Personnel) BCCL, Koyala Bhawan, Dhanbad to consider their case referring the conciliation and entered into a settlement between the management and the R.C.M.S. Union. Thereafter it has been submitted by the concerned workman that the management made a discussion over this dispute and assured to consider their case. But inspite of giving specific assurance for employment to the concerned workman the management did nothing. Accordingly a dispute was raised before the ALC(C) for conciliation and inspite of specific instruction given to the management by the ALC(C) Dhanbad for giving employment to 257 workmen they did not pay any heed to the same. As a result present industrial dispute was referred to this Tribunal. Accordingly the union has prayed for passing an Award in their favour directing the management for giving employment to the concerned workmen with retrospective effect.

3. The management on the contrary after filing W.C.-cum-rejoinder have denied all the claims and allegation which the union asserted in their W.S. It has been submitted by the management that the sponsoring union namely Janta Mazdoor Sangh made a complaint to the ALC(C), Dhanbad alleging that the concerned persons worked at Loyabad Coke Plant in the capacity of delisted/unlisted casual workmen during the period from

1973—75 and they were not provided employment as casual wagon loader. The union accordingly made its claim for their enrolment as casual wagon loader alleging that they were discriminated because of their affiliation to the sponsoring union. It has been submitted by the management that during the period from 1973 to 1975 due to erratic supply of Railway wagon at different sidings of different collieries they were not in a position to provide service of permanent gang of wagon loader capable of loading of average number of wagon according to the capacity of the railway siding of a particular establishment. In order to meet excess requirement of wagon loader for loading coal and coke on some days casual wagon loaders were employed and they were kept on the list of casual wagon loaders. It so happened that on some days the number of wagon which used to be placed were more than sufficient for getting the coal loaded by permanent and casual wagon loaders. In such a situation some excess wagons used to be loaded by any person who could be made available on such days. Such excess/extra workers were not on the roll of the colliery either permanent or casual workers and as such they were termed as delisted/unlisted casual workers. The management further submitted that the system of engagement of workers on the job of wagon loading in the capacity of delisted/unlisted casual wagon loaders were discontinued from 1976 as there was improvement of regular supply of wagon for loading coal and coke. Further pay loaders were introduced to load the coal and coke in the wagons and for which the services of delisted/unlisted casual wagon loaders were not required.

4. In the year 1985 the union namely the RCMS and Bihar Colliery Kamgar Union approached the management for providing some relief to the delisted/unlisted casual wagon loader by enrolling them as casual wagon loaders to the extent as far as practicable. The management submitted that after long discussion with the union they agreed to enroll 113 persons as casual wagon loaders, being satisfied with the service given by them during the period 1973 to 1975. It has been alleged by the management that after taking the said decision of enrolling the 113 persons as casual wagon loaders several persons most of whom were strangers came forward and demanded employment as casual wagon loaders in the same way as of 113 persons who are provided employment. The sponsoring union taking the opportunity of the situation also started creating pressure unlawfully to enroll the names of the delisted/unlisted casual wagon loaders. The management submitted that as they had already closed the issue of enrolling the workman as casual wagon loaders at Loyabad Coke plant and in absence of vacancies further consideration of enrolment of more persons as wagon loaders could not be considered. The management also submitted that there was no scope for employment of such a large number of wagon loaders at Loyabad Coke plant and in the absence of sufficient work to provide some livelihood to such a large number of persons it is difficult to enrol them as casual wagon loaders. The management submitted that as they were armed with surplus man power it was not possible on their part to provide employment to such a large number of persons even in the name of casual wagon loaders. Apart from all these facts the management further submitted that

the present reference was made by the union after a lapse of 20 years from the date of discontinuance of the practice of engagement of delisted/unlisted casual worker for such long delay all the workers by this time might have crossed the age of 40 years and accordingly they would not be considered suitable to be recruited as casual wagon loader at Loyabad Coke Plant. Accordingly the management has prayed for passing an Award to the effect that the claim of the concerned workman is not justified.

5. The points for decision in this reference are :—

“Whether the action of the management of Loyabad Coke Plant of Bharat Coking Coal Ltd. in denying employment to Shri Ayodha Dusadh and 256 others is justified? If not, to what relief the workers are entitled for?”

DECISIONS WITH REASONS

6. The concerned workmen in order to substantiate their claim examined the union leader Mr. S.S. Prasad while the management to rebut the claim of the union examined one witness. It is the claim of the concerned union that 438 delisted casual workmen worked at Loyabad Coke Plant for a long period but the management whimsically without assigning any reason stopped them from work. It is the submission of the concerned union that thereafter their union and RCMS took up this issue with the management. The RCMS union represented the case of 113 delisted casual wagon loaders while this union i.e. Janta Mazdoor Sangh represented the case of 325 workmen. It is the specific allegation of the concerned union that the management though considering the representation of the RCMS enrolled the name of 113 delisted workmen, their case was totally ignored. The submission of the management on the contrary is quite different. It is the contention of the management that due to erratic supply of wagon for loading coal and coke from different depots under different collieries. They used to require extra number of workmen for loading of coal in the wagon apart from permanent wagon loaders. The management submitted that those workmen were not only delisted but their services which they used to render to the management were absolutely on temporary basis and for temporary period. As the situation improved requirement of these casual workman became eliminated. Moreover introduction of pay loaders to load wagon also minimised the scope to provide work to delisted casual workers for loading coal in the wagons. The management further submitted that as there was no vacancy for casual wagon loader there was also no scope to consider enrolment of delisted casual wagon loaders for employment. In this connection the management relied on the circular marked as Ext. M-1. The management submitted that though according to circular No. D(P)/PS/86/2649-949(4) dated 8/9-5-1986 there was scope to enroll the names of the delisted casual (Ext. M-2). The said circular was lifted by subsequent circular marked as Ext. M-1. Accordingly the concerned workman cannot claim enrolment of delisted casual worker as per the circular marked Ext. M-2. The management also relied on a memorandum of settlement marked Ext. M-3 on the basis of which the case of 113 delisted casual wagon loaders was considered. I have considered all the documents marked as Ext. M-1, M-2 and M-3 and I find material on

the basis of which the services of 113 delisted casual workers were considered. It is the specific allegation of the management that as soon as the services of those 113 persons were considered as per Memorandum of Settlement several persons came forward and started agitating to regularise their services as casual workers and the concerned union then came forward and also started agitating to consider the case of the concerned workmen. The management submitted that these persons never worked under the management even as delisted casual workers and for which they cannot claim the benefit which were given to 113 casual workmen as per Memorandum of settlement. Considering the submissions of the concerned workmen and the management it has to be looked into what was the status of these persons at the relevant time i.e. during the period from 1973—75. It is the specific claim of the union that they were delisted casual workers and worked for a long period under the management. On the contrary the management categorically denied this fact. WW-1 in course of his evidence has failed to produce a single scrap of paper relating to the identification of these workmen issued by the management. This witness also during his evidence has failed to produce single scrap of paper relating to wage slip and bonus card. The concerned union in course of hearing has failed to justify if there was any provision to give formal appointment letter to delisted casual worker particularly when the union admitted that these persons worked under the management as delisted casual workers. No evidence is also forthcoming before the Tribunal that for a long period these persons worked at Loyabad Coke Plant under the management. Even they have failed to produce any paper to show that during the period of their service under the management they enjoyed sick leave or any other leave or so. The concerned union has failed to produce a single scrap of paper to show that in any manner these workmen were involved with the job of the management. It is the specific claim of the union that they were delisted casual workers under the management. Delisted casual workers, are not the employees of the management. Naturally question of termination of their services by the management cannot arise at all. At best they could be stopped from doing their job entrusted to them by the management. If so, whether delisted casual worker as a matter of right can press the demand in enrolling their name as casual worker. The status of casual worker and the status of delisted worker cannot be equated at all. The casual worker are the regular employees of the management and for which they are entitled to get all benefits namely medical benefits, sick leave, bonus etc. The enrolment of delisted casual workers to casual workers only may be taken into consideration if sufficient number of vacancies exists. It cannot be taken as of right a plea that the management is liable to consider the case of these workmen when as per memorandum of settlement the case of 113 persons was considered. The management explained the reason under which circumstances the case of 113 delisted casual workers was considered. Recruitment of any person by the management depends on various factors including the existence of vacancy. The management categorically submitted that there was no scope for recruitment of any further person at Loyabad Coke Plant or in any other area as there was surplus staff. It is not expected that the management should

be over burdened with surplus staff only to meet the grievance of the Union. Recruitment of any workman depends on supply and demand and the production made by the company. No evidence is forthcoming before the Tribunal that inspite of having capacity the management intentionally ignored the case of these persons in the matter of enrolling their names as casual workers. It is not expected that to meet the grievances of the union the management should be over burdened financially.

7. As such after careful consideration of all the facts and circumstances I hold that as a matter of right the present union cannot claim enrolment of these persons as casual workers under the management. The management has clearly stated not only in their W.S. but also in their evidence why they could not consider the case of these persons. I hold that explanation given by the management stands on cogent footing. A delisted casual worker as of right cannot claim employment under the management. There is no evidence to the effect that inspite of competency of these persons and also existing vacancy the management ignored their case and employed some other workmen. As such, when no such allegation has been established to this effect against the management I consider that the management did not commit any illegality in not providing the concerned persons into employment. In the result, the following Award is rendered:—

“The action of the management of Loyabad Coke Plant of Bharat Coking Coal Ltd. in denying employment to Shri Ayodhya Dusadh and 256 others is justified. Consequently, the concerned workmen are not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2001

का.अ. 2757.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-09-2001 को प्राप्त हुआ था।

[सं. एल.-20012/500/94-आई आर (सी-1)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 14th September, 2001

S.O. 2757.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 14-9-2001.

[No. L-20012/500/94-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 152 of 1995

PARTIES :

Employers in relation to the management of South Tisra Colliery of M/s. BCCL

AND

Their workman.

APPEARANCES :

On behalf of the workman—None.

On behalf of the employers—Shri H. Nath, Advocate.

STATE : Jharkhand, INDUSTRY : Coal.

Dated, Dhanbad, the 29th August, 2001

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/500/94-I.R. (Coal-I), dated, the 15th January, 1995.

SCHEDULE

“Whether the unions demand for review of the date of birth of Shri Mukul Bind. Mining Sirdar, by the management of South Tisra Colliery of M/s. BCCL is justified? If so, to what relief is the workman entitled?”

2. The facts of the instant reference as per W.S. of the union in brief is as follows :—

The instant industrial dispute was raised by the union on behalf of the concerned workman when a dispute cropped up over the date of birth of the concerned workman. It has been submitted by the union that the date of birth of the concerned workman according to the Mining Sirdar certificate issued by the D.G.M.S. was 15-9-45. In spite of the date of birth appearing in the said certificate the management superannuated the concerned workman with effect from 1-7-95. It has been disclosed by the concerned union that it was a gross illegality and as a result of which the concerned workman sustained irreparable financial loss. Accordingly the concerned union submitted their prayer to pass an Award for reinstatement of the concerned workman along with full wages, with effect from 1-7-1995.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned union asserted in their W.S. It has been disclosed by the management that the concerned workman was a Mining Sirdar at South Tisra Project. As per Form B Register, which is a statutory register under the Mines Act, 1952 the date of birth of the concerned workman was recorded as

1-7-35 and the said entries in the Form B Register was duly signed by him. The concerned workman got his appointment under the management in October, 1960. The Identity Card register maintained under the Mines Rule, 1955 contains the entry showing the date of birth as 1-7-35. In the year 1987 service excerpt was also issued to the concerned workman wherein the date of birth of the concerned workman was recorded as 1-7-35. The management submitted that the concerned workman obtained Mining Sirdarship certificate dated 8-2-85 wherein his date of birth was recorded as 15-9-45 on 13-12-84 i.e. the date of examination. If this date of birth is taken into consideration the concerned workman in that case got his employment at the age of 15 years. Since his date of appointment is 1960 it is not only against the provision of Mines Act but it is also an impossibility. The management admitted that the concerned workman raised an industrial dispute before the ALC(C) Dhanbad through the union and a settlement was reached over the dispute on 22-7-91 in between the parties and according to that settlement it was agreed that the age given in Sirdarship certificate will be accepted and if at any time the Mining Sirdarship certificate is not found genuine the management shall be free to take any legal action against the concerned workman. The management admitted that in spite of that settlement it was not implemented because of the fact that the provision of Section 40 and 45 of Mines, 1952 was over looked and it was found that the settlement was against the said provision of the Act and the concerned workman committed an offence under Section 64 of the Mines Act, 1952 by making false declaration relating to his date of birth for obtaining Mining Sirdarship certificate. The management submitted that it is apparent that in view of the entries of the date of birth as 1-7-35 in Form B Register, I.D. Card register duly signed by the concerned workman the date of birth claimed by the concerned workman on the basis of Sirdarship certificate is false and has been deliberately made in pursuance of the declaration made by the concerned workman. Accordingly the management submitted prayer to pass an Award rejecting the claim of the concerned workman.

3. The points for decision in this reference are :—

“Whether the unions demand for review of the date of birth of Shri Mukul Bind. Mining Sirdar, by the management of South Tisra Colliery of M/s. BCCL is justified? If so, to what relief is the workman entitled.”

DECISIONS WITH REASONS

4. Considering the W.S. and the W.S.-cum-rejoinder submitted by the concerned workman and the management I find no dispute to hold that the concerned workman was a Mining Sirdar attached to South Tisra Project. Herein the instant dispute cropped up relating to the date of birth of the concerned workman. The concerned workman relying on Mining Sirdarship certificate disclosed that his date of birth was 15-9-45. On the contrary the management relying on Form B Register which is a statutory register under the Mines Act, 1952 and also Identity Card register maintained under the Mines Rules, 1975 submitted that the date of birth of the concerned workman was

recorded as 1-7-35. The management further submitted that in the year 1987 service excerpts were given to the concerned workman wherein also the date of birth was recorded as 1-7-35. The management further submitted that the concerned workman appeared in the Mining Sirdarship examination on 13-12-84. Accordingly the management further submitted that after receipt of the service excerpt the concerned workman had the scope to raise dispute relating to his date of birth but he remained silent although. He only raised the dispute at the time of his superannuation with effect from 1-7-95. It has been admitted by the management that over the dispute in relation to the age the concerned workman raised industrial dispute before the ALC(C) Dhanbad and thereafter a settlement in between the parties was arrived at and as per settlement it was decided that the management will accept the date of birth appearing in the Mining Sirdarship certificate but if at any time the Mining Sirdarship certificate is not found genuine the management shall be free to take any legal action against the concerned workman. Admitting this fact the management submitted that they could not implement the settlement in question because it was against the provision of Section 40 and 45 of the Mines Act. According to section 40 of the Mines Act no person below the age of 18 years is entitled to work. Referring to Section 40 the management further submitted that the concerned workmen entered into the services of the management in the year 1960. Therefore, if the date of birth which is appearing in the Mining Sirdarship certificate is taken into consideration in that case it has to be considered that the concerned workman entered into his services at the age of only 15 years which is strictly prohibited according to Section 40 of the Mines Act. I have considered the relevant section and I find support in relation to the claim of the management. The concerned workman/union strictly relied on the date of birth of the concerned workman appearing in the Mining Sirdarship certificate. According to the Mining Sirdarship certificate the date of birth of the concerned workman was 15-9-45 whereas according to Form B Register and I.D. Card register the date of birth of the concerned workman was recorded as 1-7-35. It is the contention of the management that the Form B Register and the I.D. Card Register were duly signed by the concerned workman. No evidence is forthcoming before the Tribunal under which circumstances the concerned workman signed those two registers. It is not the case of the union/workman that the concerned workman was illiterate and his signature was obtained by the management illegally and arbitrarily without the knowledge of the concerned workman. Apart from this fact the concerned workman cannot avoid his responsibility to disclose the document relying on which he claimed his date of birth as 15-9-45. It is seen that after filing W.S., in spite of giving several chances the concerned workman did not consider necessary to appear before the Tribunal in order to substantiate his claim. There was scope on the part of the concerned workman or the union to submit relevant papers in support of the date of birth recorded in the Mining Sirdarship certificate but in spite of getting opportunity neither the union nor the concerned workman was able to utilise the same. Form B Register and I.D. Card Register are to be considered as statutory document and for which value of these

two documents at all cannot be denied. No satisfactory explanation on the part of the concerned workman/union is forthcoming before the Court why the concerned workman kept himself mum when he received the service excerpt in the year 1987 wherein his date of birth was also recorded as 1-7-35. Therefore, there is reason to believe that the concerned workman suppressed the material fact till the date of his superannuation and he raised the dispute over his date of birth only when he was on the verge of his superannuation. As the concerned workman has failed to justify his claim by appearing himself personally or by adducing any cogent evidence, at this stage I do not find any reason to disbelieve the Form B Register and I.D. Card Register which are to be considered as statutory documents as per Mines Act, 1952 wherein his date of birth was duly recorded under his signature. As such I hold that the concerned workman is not entitled to get any relief which he has prayed for. In the result, the following Award is rendered :—

“The Union’s demand for review of the date of birth of Shri Mukul Bind, Mining Sirdar, by the management of South Tisra Colliery of M/s. BCCL is not justified. Consequently the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2001

का.आ. 2758.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अंतर्गण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अंतर्बंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-09-2001 को प्राप्त हुआ था।

[सं. एन-12012/261/89-आई द्वार (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 17th September, 2001

S.O. 2758.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Patiala and their workman, which was received by the Central Government on 15-9-2001.

[No. L-12012/261/89-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 5 of 1990

General Secretary,
State Bank of Patiala Staff Union,
719, Sector 22-A, Chandigarh. . . Petitioner.

Vs.

General Manager (Operation),
State Bank of Patiala,
Mall Road, Patiala-147001. . . Respondent.

REPRESENTATIVES :

For the Workman : Shri Ajit Singh.
For the Management : Shri N. K. Zakhmi.

AWARD

(Passed on 16th of July, 2001)

The Central Government, Ministry of Labour vide Notification No. L-12012/261/89-I.R. (B-3) dated 9-1-1990 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the State Bank of Patiala in dismissing Shri Tikka Ram, Watchman-cum-Peon at T.I.E.T., Patiala branch w.e.f. 31-8-88 is legal and justified? If not, to what relief the concerned workman is entitled to and from what date?"

2. The case of the workman in brief is that he was appointed as watchman-cum-peon at Samana branch of State Bank of Patiala. He was charge-sheeted by the Regional Manager, Patiala on 2-9-1987. He gave reply to the charge sheet but the disciplinary authority, without considering his reply, initiated departmental enquiry against him. During the course of enquiry the copies of the documents relied upon by the management were not given to him. Opportunity to cross-examine the departmental witnesses was not given by the enquiry officer. The enquiry officer arrived at his findings against the workman and submitted his report to the disciplinary authority. The finding of the enquiry officer was based on surmises and conjectures. His report was perverse. The disciplinary authority without considering the facts and circumstances of the case issued notice of the proposed punishment of dismissal to the workman. The workman submitted his reply but his reply was not considered by disciplinary authority and dismissed the workman from service on 31-8-88. The dismissal order passed by punishing authority was illegal, arbitrary and against the principle of natural justice. The enquiry was not conducted by enquiry officer fairly and properly. The appeal was filed by the workman against dismissal order which was dismissed by appellate authority. The workman has requested that the dismissal order be quashed and the management be directed to reinstate him with continuity of service and full back wages, alongwith other incidental benefits.

3. The management has submitted its written statement alleging that the claim of the workman is not maintainable because of non-joinder and mis-joinder of the parties. The workman was guilty of serious misconduct. On the basis of that misconduct he was chargesheeted. The charges were mentioned in the charge sheet dated 2-9-1987. He was guilty of misappropriation of public money. He had lowered the

image of the management in the eyes of the public, so, the departmental enquiry was initiated against him. During the course of enquiry the opportunity to cross-examine the departmental witnesses was afforded to the representative of the workman. Due opportunity was also accorded to him to examine, perused and take notes of the relevant record and documents. The enquiry was conducted by the enquiry officer in fair and proper manner. The enquiry report was submitted by him to the disciplinary authority on 26-6-1988. The charges levelled against the workman were fully proved. Consequently the notice of the proposed punishment of dismissal was given to the workman. The reply filed by the workman was considered by the disciplinary authority who found the reply unsatisfactory, therefore, the workman was dismissed from service on 31-8-1988 by disciplinary authority. The workman aggrieved by the order of the disciplinary authority filed an appeal before appellate authority. The personal hearing by appellate authority, was given to the workman. After considering the whole record of the enquiry and the explanation given by the workman, the appellate authority rejected the appeal. The action taken by the management in dismissing the workman was legal, just and proper and in accordance with the rules and regulations applicable to the employees of the bank. Therefore the claim of the workman deserves to be dismissed with heavy cost.

4. The workman has filed replication which has not been signed by the workman or by the General Secretary of Staff Union. In this replication the facts pleaded in the claim statement have been reasserted. No new facts has been pleaded in replication.

5. In this case the date of appointment of the workman and the fact of dismissal and rejection of appeal are admitted facts.

6. The workman has filed his affidavit (Ex. W1) and the management has submitted the affidavit of Deputy Manager Shri Om Parkash, MW1 and retired Chief Manager K. D. Trivedi (Ex. MW2). Enquiry file has been submitted by the management which has been exhibited as Ex. M2. It contains 88 pages. The workman has deposed in his affidavit that he was not allowed to cross-examine the departmental witnesses Avinash Kumar and the opportunity to cross-examine the other witnesses was not given by the enquiry officer during the course of enquiry proceedings. The witnesses of the management have deposed that the opportunity to cross-examine the departmental witnesses was given to the workman. The first witness Pritam Singh PW1 was examined on 30-11-1987. On that day, the workman attended the enquiry proceedings but his representative was absent. The workman requested to give him time in order to bring his representative. The time was granted by the enquiry officer but the workman and his representative did not turn up and the statement of Pritam Singh was recorded on that day. Thereafter the statement of Avinash Kumar was recorded in the absence of the workman because he did not turn up. The witnesses Raj Kumar Goel PW3 and Ajmer Singh PW4 were also examined. The workman turned up on that day at 3.15 PM. His representative Shri Gurbaksh Singh was not present and the workman intimidated the enquiry officer

that his representative could not come to participate in the proceedings as he had some urgent piece of work. The case was not adjourned by the enquiry officer and Shri Ruldu Khanna PW5 was examined in the presence of the workman. Workman was directed to cross-examine Shri Ruldu Khanna but he showed his inability to cross-examine the witness in absence of his representative.

7. The next date of hearing was fixed 1-12-1987 and 2-12-1987. On these dates the witnesses of the management were examined but the representative of the workman was absent. Reasons of his absence was shown by the workman that the representative was busy in some urgent work. The conduct of the workman and his representative is not reasonable. Their conduct shows that they were not participating deliberately in the enquiry proceedings, so, it can not be inferred that the proper opportunity to cross-examine the witnesses was not given to the workman. If his representative was busy in some urgent work, he should have attended the proceedings and should have requested to the enquiry officer for adjournment explaining the unavoidable circumstances. The statement of witnesses were recorded on 30-11-1987, 1-12-1987, 2-12-1987. On 14-12-1987, the workman informed to the enquiry officer that his representative Gurbaksh Singh had refused to assist him in the enquiry. The proceedings were adjourned by the enquiry officer and the time was granted for the appointment of other representative whose name was Shri Brij Lal Sharma. On 17-12-1987 Shri B. L. Sharma appeared in the enquiry as defence representative in order to assist the workman. On that day, Shri B. L. Sharma did not request the enquiry officer for the cross-examination of departmental witnesses which were examined earlier. He sought adjournment and the next date of hearing was fixed 8-1-1988 for defence witnesses. On 8-1-1988 defence witness Shri Ram Sarup Sharma was examined. After the cross-examination of the defence witnesses the rep. of the workman closed his defence. If he had intention to cross-examine the departmental witnesses, he should have made request to the enquiry officer to give opportunity to cross-examine them. Under these circumstances, it can not be held that the proper opportunity to cross-examine the witnesses was not given by the enquiry officer.

8. During the course of arguments, the rep. of the workman has referred rule No. 56(9) of Bank Service Rules and argued that two opportunities should be given by the enquiry officer for cross-examination. But under these rules there is no provision for giving opportunity to the workman without his request. The representative of the workman has also referred the case of K. Raja Rao Vs. Syndicate Bank (1999) (1) S.C.T. page 608 (Karnataka). In para 17 of this case law, the Hon'ble Karnataka High Court has held that proper opportunity for the cross-examination of the departmental witnesses to be given to the workman. If opportunity is not given, it will violate the principle of natural justice. But the facts of this case law are different from those of the case under consideration. In that case, the prepared statement of the witnesses were read out to the workman and he was directed to cross-examine the witnesses. In the case under consideration, the statements of the witnesses

were recorded in the presence of the workman, and his representative Shri B. L. Sharma did not make request to the enquiry officer for recalling departmental witnesses for cross-examination. Thus this case law is not applicable in this case.

9. The workman has deposed in his cross-examination that the opportunity for his examination in his defence was not given by the enquiry officer. As per provisions of Bank's Service Rules, (page No. 679) the right has given to the delinquent workman for his examination. On perusal of the enquiry proceedings of 8-1-1988, it is evident that the enquiry officer asked the workman whether you wanted to record his statement, the workman submitted that he did not want to record his statement today. He wanted to submit his written briefs in his defence. The request of the workman was acceded by the enquiry officer. Therefore, the non-examination of the workman does not affect the conduction of the enquiry.

10. It has been argued on behalf of the workman that the copies of the documents relied upon by the management were not supplied to the workman. In support of this argument the case of Kashi Nath Dikshla Vs. Union of India and others [1986 (2) S.L.R. page 620 S.C.] has been referred. In this case law the copies of the statements of the witnesses recorded during the course of preliminary enquiry and the list of documents mentioned in the charge sheet were not supplied to the delinquent workman and he was allowed to inspect documents and take notes, but the request for engaging a steno turned down. The number of witnesses was 38 and 112 documents running into hundred of pages were produced. Under these circumstances, their Lordship of the Supreme Court have held that the provisions of Article 311(2) of Constitution of India has been violated by the management. Rule 33 of Bank's Service Rules has also been referred by the representative of the workman. On going through the enquiry proceedings dated 11-11-1987, it is evident that the copies of the list of the witnesses and documents (Exs. P2 and P3) were given to the workman for his reference and record. The deposition of the witnesses were explained to the workman in local language. This fact has been noted in the enquiry proceedings. Therefore, this case law is not applicable in this case. The rep. of the workman was also allowed by the enquiry officer to take the notes of the documents. The notes were taken by the representative of the workman, and he did not make any complaint to the enquiry officer about his inability to take notes of any documents. Therefore, no prejudice has been caused to the workman in his defence.

11. The copy of the enquiry report and the copies of the order of the disciplinary authority and appellate authority have been submitted by the management. It has been argued, and has been pleaded in the claim statement, that the personal hearing were not given to the workman by these authorities to the workman. On going through the proceedings of the enquiry file, it reveals that the opportunity of personal hearing was given by all these authorities to the workman. The orders passed by these authorities are elaborate and speaking ones. So it can not be held that the proper opportunity to defend the workman was not given

to him. Every page of the proceedings has been signed by the workman and his representative and this fact has been recorded on the last page of the proceedings.

12. It has been pleaded in the claim statement and has been argued by the representative of the workman that the findings of the enquiry officer is not based on any convincing evidence. The findings of enquiry officer is perverse. On going through the enquiry report, it is found that the enquiry officer had discussed the evidence properly and his findings are based upon the evidence adduced during the course of enquiry. It has also been argued that punishment of dismissal is disproportionate to the alleged misconduct. In support of the case of the workman, the case of *M/s. Kardaha and Co. Ltd. Vs. The workman* (AIR 1964 S.C. 719) has been referred on behalf of the workman. In this case Their Lordship has held that "an Industrial Tribunal will not interfere with the action of the management in dismissing its employees after holding an enquiry into the alleged misconduct unless it is shown that the management has not acted in good faith, or that the dismissal amounts to victimisation or unfair labour practice or the management has been the guilty of basic error, for violation of the principle of natural justice, or when on the material the findings is completely baseless or perverse". Keeping in view the law laid down by Their Lordships, the material placed in the case under consideration has been perused and considered.

13. In para 9 of the claim statement, it has been pleaded that the work and conduct of the workman was found praiseworthy when he was posted at Samana Branch. During his posting at Samana Branch, he found an envelope containing Rs. 1400 which restored to the owner of the envelope. This fact has not been considered by the punishing authority while passing punishment order. The charge sheet has been exhibited as Ex. M2. First charge relates to the purchases made by the workman on credit from M/s. Puri General Store who was the customer of the bank. The workman borrowed Rs. 300 in cash from the customer. The second charge relates to M/s. Bajwa Gun House from where certain articles worth Rs. 163 were purchased by the bank. The cheque was issued in the name of the parties. But the workman did not handover that cheque to the parties and reported to the bank authorities that officials of M/s. Bajwa Gun House required cash payment instead of cheque. The bank authorities gave to the workman an amount of Rs. 163 for making payment to M/s. Bajwa Gun House but that amount was not paid to Gun House and was misappropriated by the workman. Third charge relates to the non-deposit of two instalments amounting to Rs. 400. First instalment of Rs. 200 was paid to the workman by guarantor of the borrower to be deposited in Agricultural Term Loan Account. That amount was not deposited by the workman and misappropriated by him. The second instalment of Rs. 200 was given to the workman for deposit in term loan account but that amount was also not deposited by the workman, and he utilised that amount himself. Fourth charge relates to his misbehaviour with the bank officer. These charges have been proved by cogent evidence adduced in the enquiry. Keeping in view the gravity of the charges levelled against the

workman the incident of restoration of the envelope containing Rs. 1400 has no significance. At a particular spell of time one person may be honest and after some time he may become dishonest subsequently. The workman was running in indebtedness, and he consequently misappropriated money of the customer of the bank. This misconduct of the workman has lowered down the image of the bank in the eyes of the public. Keeping in view the charges levelled against the workman the punishment of dismissal can not be held to be harsh and disproportionate.

14. This Tribunal can not act as an appellate authority of the management to interfere with the findings and the quantum of the punishment without any reasonable ground. In this case the proper and fair opportunity to defend the workman himself has been given during the course of enquiry, and the principle of natural justice has not been violated by the management. Consequently the dismissal of the workman from service can not be held illegal and unjustified. Under these circumstances, the workman is not entitled to get any relief from the management.

15. On the basis of discussions made in preceding paragraphs, the reference is answered that the action of the management of State Bank of Patiala in dismissing Shri Tikka Ram, Watchman-cum-Peon at T.I.E.T. Patiala branch w.e.f. 31-8-1988 is legal and justified. The workman is not entitled to get any relief from the management. Both parties shall bear their own cost of proceedings. Appropriate Government be informed.

Chandigarh.

16-7-2001.

B. L. JATAV, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2001

का.आ. 2759—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जेनई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-09-2001 को प्राप्त हुआ था।

[सं. एल-12012/52/99-प्रार्थनार (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 14th September, 2001

S.O.2759. In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 13-09-2001.

[No. L-12012/52/99-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 14th August, 2001

Present : K. KARTHIKEYAN,

Presiding Officer

INDUSTRIAL DISPUTE No. 130/2001

(Tamil Nadu State Industrial Tribunal I.D.No.106/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the workman Sri N. Mohan and the Management of Dena Bank, Mumbai.)

BETWEEN

The General Secretary, : I Party/Claimant
Dena Bank Employees Union,
Chennai.

AND

The Chairman & Managing : II Party/Management
Director,
Dena Bank, H.O.
Mumbai.

Appearance :

For the Claimant : M/s. Row & Reddy,
Advocates

For the Management : S/Sri M. Rajamanickam
& R. Rajesh Vivekanan-
than,
Advocates

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial dispute for adjudication vide Order No. L-12012/52/99/IR(B-II) dated 10/12-06-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 106/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 130/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 01-02-2001. On receipt of notice from this Tribunal, counsel on either side present with their respective parties and prosecuted this case further.

This matter came up before me for final hearing on 03-07-2001, upon perusing the Claim Statement,

Counter Statement, the other material papers on record, the documentary evidence let in on either side and upon hearing the arguments of learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :-

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :-

“Whether the action of the Management of Dena Bank Chennai in withdrawing the Special Allowance by Memo dated 22-04-1997 to Shri N. Mohan is justified? If not, what relief is the workman concerned entitled to?”

2. The averments in the Claim Statement of the I Party/Claimant Union are briefly as follows :

This industrial dispute has been raised by the I Party/Dena Bank Employees Union (hereinafter referred to as Petitioner) espousing the cause of the workman Sri N. Mohan. The concerned workman joined the services of the II Party/Management Dena Bank (hereinafter referred to as Respondent) as a sub-staff and have rendered 25 years of service. On 11-6-96, the Respondent Bank issued the show cause notice cum suspension order alleging that the concerned employee indulged in physical fight and used provocative language against one on Mr. Balaji, armed guard, on 31-5-96. The concerned employee gave an explanation denying the charges. In spite of his explanation, bank issued a chargesheet dated 18-7-96. On 10-8-96, the employee gave a detailed explanation denying the charges and stated that he was assaulted by Balaji and produced a Doctor certificate dated 2-6-96 to prove the nature of injury. Not satisfied with the employee's explanation, the Respondent conducted an enquiry. In the domestic enquiry, the Respondent examined four witnesses including the armed guard on the side of the Management. On the side of the concerned workman two witnesses were examined apart from the statement of the concerned employee. The armed guard, Balaji gave evidence as MW4 and marked Exhibit ME3 in support of his complaint. The Enquiry Officer, after analysing the evidence on record, came to the conclusion that the charges were not provided. Unfortunately, the Disciplinary Authority disagreed with the findings of the Enquiry Officer and found that the employee was guilty of the charges. The reason given by the Disciplinary Authority was that the Enquiry Officer's decision of discrediting the evidence of armed guard was erroneous and that strict law of evidence is not applicable in the domestic enquiry. The entire report of the Disciplinary Authority narrows around the departmental witness,

He has not discussed the evidence deposed in support of the delinquent, which is erroneous. Even the management witnesses have stated that Balaji assaulted Mohan, the Disciplinary Authority has overlooked all these aspects with ulterior motive gave a finding that the concerned employee is guilty of the charges mentioned in the chargesheet dated 18-7-96 and imposed a punishment of withdrawal of special allowance with immediate effect. Neither the Disciplinary Authority nor the Appellate Authority has given a detailed reason considering the submissions made before them. The orders are cryptic. They have not considered past record of the employee before imposing the punishment, which is a mandatory requirement as per the provisions of Bipartite Settlement. Balaji was chargesheeted for this incident and he was imposed with stoppage of four increments with cumulative effect. The very fact that Balaji was imposed with the higher punishment shows that he only assaulted Mohan by abusing and not otherwise. Neither the Disciplinary Authority nor the Appellate Authority considered the medical certificate produced by the concerned employee Mohan. The findings of the Disciplinary Authority and the Appellate Authority are contrary to the evidence on record and opposed to the principles of natural justice. The employee was penalised for no fault of his. Hence, this Hon'ble Tribunal may be pleased to hold that the punishment imposed by the Bank in withdrawing the special allowance by a memo dated 22-4-97 to Sri N. Mohan is not justified and consequently direct the bank to restore the same with arrears, grant full wages for the period of suspension and other consequential benefits.

3. The averments in the Counter Statement of the II Party/Management are briefly as follows :

In the domestic enquiry conducted against the Petitioner for the charges levelled against him for his disorderly/indecent behaviour, which is an act prejudicial to the interest of the bank the Enquiry Officer has found that the charges against the Petitioner were not proved. But the Disciplinary Authority has disagreed with the findings of the Enquiry Officer and concluded that all the charges levelled against the concerned employee Sri N. Mohan have been proved and for that he has given reasons in his letter dated 11-3-97. The Disciplinary Authority has not overlooked any evidence let in before the Enquiry Officer only after considering the views of the concerned employee the punishment was awarded to him by the Disciplinary Authority. Though the concerned employee was charged to have committed gross misconduct which includes dismissal from service of the bank as a punishment, the Respondent viewed it leniently and has given a punishment of less gravity to the concerned employee, after taking into consi-

deration of his past record of service. The concerned employee was expected to maintain discipline among other subordinate staff working with him. The concerned employee was found once to be failed in his duties which was entrusted to him so the allowance thereon was stopped. Further, the concerned workman had reached the maximum in the time scale of pay and therefore, there was no scope for stoppage of four annual increments as has been done in the case of Sri S. Balaji who was suspended along with him in the said incident. The findings of the Disciplinary Authority was not contrary to the evidence on record and hence it is not opposed to the principles of natural justice. Hence, the Petitioner's claim may be dismissed.

4. When the matter was taken up for enquiry documents were marked by consent of counsel on either side as Ex. W1 to W10 and M1. No oral evidence was let in on either side. The learned counsel on either side have advanced their respective arguments.

5. The Point for my consideration is :

“Whether the action of the Management of Dena Bank Chennai in withdrawing the Special Allowance by Memo dated 22-04-1997 to Shri N. Mohan is justified. If not, what relief is the workman concerned entitled to?”

Point:

The concerned workman Sri N. Mohan was working as a sub-staff in the Respondent/Bank of Aminjikarai Branch. He was issued with show cause notice cum suspension order dated 11-6-96 alleging that he indulged in physical fight and used provocative language against the armed guard of the Respondent/Bank one Sri S. Balaji on 31-5-96. Ex.W1 is the xerox copy of the show cause notice cum suspension order dated 11-6-96. It is stated in that show cause notice that when the concerned workman Sri N. Mohan was working as Head Peon at Aminjikarai Branch of the Respondent/Bank on 31-5-96 about 3.50 pm. he indulged in physical fight/attack, pushed Mr. S. Balaji, armed guard ferociously with an intention to cause him hurt/injury and/or riotous and/or disorderly behaviour inside the premises of Aminjikarai Branch, which is a gross misconduct. Further during that incident of riotous and disorderly behaviour, the concerned employee had used provocative language against the armed guard Sri S. Balaji. In that show cause notice itself, the concerned employee was advised by the Disciplinary Authority to submit his written explanation to the said allegation within seven days of the receipt of the order. It is contended in the Claim Statement that the employee gave an explanation denying the charges. But copy of any such reply has not been filed by the Petitioner in this case. Then the concerned employee was issued with charge

sheet dated 18-7-96. The zerox copy of the same is Ex.W2. An enquiry was conducted for the charges levelled against the concerned workman under Ex.W2. The Enquiry Officer Mr. A.R. Natarajan, who was appointed to enquire into the charges levelled against the concerned employee after conducting the enquiry, has submitted his report dated 18-7-96 itself. The zerox copy of the same is Ex. W6. In his report, he has stated that the alleged misconduct under clause 19.5(c) riotous/disorderly/indecent behaviour in the premises of the bank is partially proved to the extent of disorderly/indecent behaviour only and the other charge under clause 19.5(j) has not been proved. During the domestic enquiry, four witnesses were examined as MW1 to MW4 and three documents were marked as MEX1 to MEX3. On behalf of the charge sheeted employee two witnesses as DW1 and DW2 were examined. Ex.W5 series were filed during the domestic enquiry as exhibit MEX1, MEX3 respectively. MEX 1 is the xerox copy of the letter dated 31-5-96 written by the Manager of the Respondent/Bank-of Amiajikarai Branch to the Regional Authority of the Respondent/Bank. The Branch Manager Smt. V. Lalitha, who wrote Ex.W5 (1) letter gave evidence in the domestic enquiry as MW1. In that letter MW1 has stated the incident had taken place inside the counter area of the bank in full view of the other staff. From this letter, it is seen that both the Armed Guard Mr. Balaji, and the concerned employee Mr. Mohan had an altercation within the bank premises and thereby indulged in physical fight with each other. In the report itself, the Enquiry Officer has stated that it establishes that there was a quarrel between Sri M. Mohan and Mr. Balaji which culminated into a physical fight between them. He has also stated that during cross examination, MW1 has maintained that there was a wordy fight/quarrel between them. In the report itself, the Enquiry Officer has stated that MW2 Mr. Rajaram, Accountant also corroborated that there was shouting/fighting between Sri M. Mohan and Sri Balaji. The armed guard of the Respondent/Bank Sri S. Balaji examined as MW4 in the enquiry had spoken about the incident. But, the Enquiry Officer has stated in his report that it is a deposition of co-worker and it is not a substantive evidence. So, he has not given any credence to the deposition of that witness. While analyzing the two defence witnesses, the Enquiry Officer has stated that no importance can be attached to the deposition of DW1, since he was present in the bank only upto 3.15 pm on 31-5-96, whereas the incident had happened only at 3.50 p.m. He has disregarded the evidence of DW2, as there was no substance worthwhile consideration in his deposition. After mentioning all these things, the Enquiry Officer has given a finding that riotous/disorderly/indecent behaviour on the premises of the bank is partially

proved. Ex.W3 is the zerox copy of the letter of the concerned employee submitted to the Disciplinary Authority, wherein he has stated that the allegations in the charge sheet are totally false and fabricated and he strongly denied them and that the charge sheet was issued with a view to harass him and it is a violation of Govt. guidelines and hence, he requested to withdraw the charge sheet and revoke the suspension with retrospective effect. Ex.W4 is the zerox copy of the enquiry proceedings. From this, it is seen that the enquiry has been conducted in a fair and proper manner following the principles of natural justice and that the delinquent employee was given sufficient opportunity to effectively defend his case with an assistance of defence representative and all the witnesses for the Management have been duly cross examined by the defence representative in detail, besides examining two witnesses as defence witnesses. Ex.W5(2) is the zerox copy of the letter of the Accountant Mr. Rajaram dated 31-5-96 to the Regional Manager of the Respondent/Bank wherein he has stated about this incident. From the perusal of the letter, it is seen that within the bank premises the concerned employee Mr. Mohan had a physical quarrel with the other employee armed guard, Sri Balaji. Ex. W5(3) is the zerox copy of the complaint given by Mr. Balaji to the Branch Manager in respect of the incident took place on 31-5-96. All these available materials clearly show that there was a physical quarrel between the concerned employee Mr. Mohan and the armed guard Mr. Balaji within the bank premises as described in the charge sheet Ex.W2 as a riotous/disorderly/indecent behaviour in the premises of the bank and doing an act prejudicial to the interest of the bank which can be considered as gross misconduct in terms of clause 19.5(c) and 19.5(j) of Bipartite Settlement dated 19-10-1966. Ex. W7 is the zerox copy of the letter dated 11-3-97 addressed to the concerned employee by the Disciplinary Authority, wherein the Disciplinary Authority had stated that the enquiry authority has not evaluated the complaint and the evidence of MW4 properly and the Enquiry Officer discredited that witnesses evidence in the domestic enquiry, quoting a judgement of Calcutta High Court (which is not applicable to the departmental enquiries) as incorrect. Further, he has analysed the entire evidence let in before the Enquiry Officer and has given a conclusion that all the charges levelled against the concerned employee Mr. Mohan are proved under clauses 19.5(c) and 19.5(j) of the Bipartite Settlement. He has also advised the concerned employee to make his written submissions within ten days. Ex.W8 is the memo given by the Disciplinary Authority to the concerned employee ordering punishment of withdrawal of special allowance with immediate effect. Ex.M9 is the zerox copy of the appeal dated 8-5-97

preferred by the concerned employee to the Appellate Authority. Ex.W10 is the zerox copy of the order dated 12-11-97 passed by the Appellate Authority confirming the punishment imposed by the Disciplinary Authority under Ex.W8.

6 The learned counsel for the Petitioner Union had put forth an argument that the Enquiry Officer after analysing the evidence on record came to the conclusion that the charges were not proved but unfortunately the Disciplinary Authority disagreed with the findings of the Enquiry Officer and had found that the concerned employee was guilty of the charges and both the Disciplinary Authority and the Appellate Authority have given their findings contrary to the evidence on record and that the other employee Mr. Balaji was also charge sheeted for this incident and in the enquiry held against him he has imposed with stoppage of four increments with cumulative effect and the every fact that Balaji was imposed with higher punishment shows that he only assaulted the concerned workman Mr. Mohan and that neither the Disciplinary Authority nor the Appellate Authority considered the medical certificate produced by the concerned employee Mr. Mohan in proof of injuries sustained by him. Hence, the findings of the Disciplinary Authority are contrary to the findings of the Enquiry Officer and imposing the punishment of stoppage of special allowance to the concerned employee Mr. Mohan which was confirmed by the Appellate Authority are opposed to principles of natural justice and the concerned employee was penalized for no fault of his and hence, the said punishment has to be set aside as unjustified and consequently, direct the ban to restore the special allowance to the concerned employee with arrears and all other benefits.

7. The learned counsel for the Respondent would contend that the Disciplinary Authority while disagreeing with the findings of the Enquiry Officer has given reasons in his letter Ex. W7 and he has given his conclusion that the charges levelled against the concerned employee were proved on the basis of the proper evaluation of evidence let in, in the domestic enquiry. A perusal of Ex. W7 clearly shows that the said argument of the learned counsel for the Respondent/Management is correct and acceptable. From the available materials in this case, it is seen that on 31-5-96 an occurrence which has been mentioned in the charge sheet has been taken place in the premises of the Respondent/Bank Aminjikai Branch and that incidence the concerned employee Mr. Mohan had a physical quarrel with armed guard Mr. Balaji, which was rightly found to be a riotous/disorderly/ indecent behaviour on the bank premises, a gross misconduct in terms of clause 19.5(c) and it is an act done prejudicial to the interest of bank to be considered as a gross misconduct in terms of clause 19.5(j) of the Bipartite Settlement dated 19-10-66. On:

medical certificate dated 2-6-96 has been relied upon by the Petitioner which has been submitted as an enclosure to Ex. W3 letter of the concerned employee to the Disciplinary Authority. The occurrence admittedly has taken place on 31-5-96 at 3.50 p.m. to the medical certificate issued by the Doctor Subramaniam dated 2-6-96, nothing has been stated as the reason for the injury he found on the person Mr. Mohan as one edema on the left side frontal area. Further the said Doctor who issued that medical certificate to Mr. Mohan was not examined by him as a defence witness in the domestic enquiry. In addition to that one such injury found by the Doctor on 2-6-96 on the person of the concerned workman Mr. N. Mohan cannot conclusively said to be a resultant effect of the alleged assault of the armed guard Balaji on the concerned person, in the absence of any evidence in support of the same. Under such circumstances, it cannot be said that the Disciplinary Authority has given a different finding contrary to the findings of the Enquiry Officer without any evidence or basis. It is seen from the records that the punishment of stoppage of special allowance was imposed by the Disciplinary Authority against the concerned workman because the concerned workman has reached the maximum in the time scale of pay and therefore, there was no scope for stoppage of four annual increments as has been done in the case of the other employee armed guard Mr. S. Balaji, who was also suspended along with the concerned employee for that incident and against him also a separate enquiry was conducted. So, under such circumstances, it is seen that the action of the Management of Dena Bank, Chennai in withdrawing the special allowance by memo dated 22-4-97 to Sri N. Mohan is justified. Hence, the concerned workman is not entitled to any relief. Thus, the point is answered accordingly.

8. In the result, an award is passed holding that the action of the Management of Dena Bank, Chennai in withdrawing the special allowance by memo dated 22-4-97 to Sri N. Mohan is justified. Hence, the concerned workman is not entitled to any relief. No cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 14th August, 2001).

K KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None.

DOCUMENTS MARKED :

For I Party/Claimant :

Ex. No.	Date	Description
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W1	11-06-96	Zerox copy of the show cause notice-cum-Suspension order.
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W2	18-07-96	Xerox copy of the Charge Sheet
W3	10-08-96	Xerox copy of the letter from the Petitioner to the Management.
W4	12-09-96	Xerox copy of the proceedings into charge sheet.
W5	Series (3)	Xerox copy of the Management exhibits.
W6	18-07-96	Xerox copy of the Enquiry Officer's report on the charge sheet.
W7	11-03-97	Xerox copy of the letter from the Disciplinary Authority to the Petitioner.
W8	22-04-97	Xerox copy of the order of punishment.
W9	08-05-97	Xerox copy of the letter from the Petitioner to the Appellate Authority.
W10	12-11-97	Xerox copy of the final order of punishment.
For the II Party/Management :		
Ex. No.	Date	Description
M1	18-07-96	Xerox copy of the Enquiry Officers' report on the charge sheet.

Presiding Officer

नई दिल्ली, 18 सितम्बर, 2001

का.आ. 2760.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल.आई.सी. आफ इंडिया के प्रबंधकों के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बेंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-2001 को प्राप्त हुआ था।

[सं. एल-17012/60/97-आई.आर. (बी-II)]
सी. गंगाधरन, अवसर सचिव

New Delhi, the 18th September, 2001

S.O. 2760.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947); the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-9-2001.

[No. L-17012/60/97-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT

BANGALORE

Dated : 12th September, 2001

PRESENT

Hon'ble Shri V. N. Kulkarni, B.Com, LL.B.
Presiding OfficerCGIT-Cum-Labour Court,
Bangalore

C. R. NO: 62/98

I Party
Shri Siddaramappa,
S/o. Fakkirappa
Chalawadi,
Mesti Peshe,
Mudugal,
Lingasgur,
Raichur-5-84 101
(Advocate :

II Party
The Divisional Manager,
LIC of India,
Divisional Office,
Raichur-584 101.
(Advocate :
Chandrashekarani).

G. H. Ganesh Bhat).

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-17012/60/97-IR (B-II) dated 29th June, 1988 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the Management, Life Insurance Corporation of India in terminating the services of Shri Siddaramappa without following the provision of Section 25 of I.D. Act, 1947 is legal and justified ? If not, to what relief the said workman is entitled ?"

2. First party was working with the management. He was removed from service and therefore, industrial dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party in brief is as follows :

5. It is the case of the first party that he was appointed as temporary Assistant at Sindanur Branch on monthly wages of Rs. 2728.10/-. He reported duty on 26-3-1996. He worked for more than 240 days continuously without any complaints.

6. It is the further case of the first party that he was terminated from service w.e.f. 1-3-1997. No notice was given before termination and no compensation was paid. The termination is illegal. First party for these reasons has prayed to pass award in his favour.

7. The case of the management in brief is as follows :

8. It is the case of the management that the first party has no right to raise this dispute because he was only a temporary employee. It was an appointment of contractual nature. The first party was purely a temporary employee. The first party accepted all the terms and conditions of the appointment and now he has no right to raise this dispute. It is a fact that he worked for 240 days but that does not give him right for absorption. Termination is correct and the reference be rejected.

9. It is seen from the records that on behalf of the management MW1 is examined and documents are marked. On behalf of the workman first party got examined himself. I have heard the arguments of both sides. I have carefully perused all the documents.

10. At the very outset I am of the opinion that the first party was only a temporary employee and according to the conditions of Ex. M1 the first party has no right because he has agreed all the conditions mentioned in Ex. M1 and he gave consent as per Ex. M2. All this has been deposed by MW1 in detail. MW1 further says that a regular employee was posted at Sindhanur Branch. He is cross-examined but nothing is made out from his cross-examination to disbelieve his evidence. Ex. M1 is the appointment order and on going through the same it is clear that the first party was only a temporary employee and he may be removed without any reasons. First Party admits in his cross-examination that one Mr. M. Ranappa was posted to Sindhanur Branch and after he joined at Sindhanur the first party was terminated.

11. Considering the entire evidence and documents marked by the management, I am of the opinion that this reference has no merit. Accordingly I proceed to pass the following order:

ORDER

The reference is rejected.
(Dictated to PA transcribed by her corrected and signed by me on 12th September, 2001).

V. N. KULKARNI, Presiding Officer
नई दिल्ली, 18 सितम्बर, 2001

का.प्र. 2761:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय

सरकार एल.आई.सी. ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-2001 को प्राप्त हुआ था।

[सं. एल-17012/43/91-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th September, 2001

S.O. 2761.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-9-2001.

[No. L-17012/43/91-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR
COURT

BANGALORE

Dated the 4th September, 2001

PRESENT

HON'BLE SHRI V. N. KULKARNI, B. COM, LLB,
PRESIDING OFFICER
CGIT-CUM-LABOUR COURT,
BANGALORE

C. R. No. 23/92

I PARTY

II PARTY

Shri B. M. Thippaswamy, (Since deceased represented by his wife) Budhihal Village, Mittur Post, Harihar Taluk, Chitradurga, Karnataka (Advocate P. N. Nanja Reddy)	The Divisional Manager, Life Insurance Corporation of India, Divisional Office, Udupi-576101 (Advocate M. L. Visweswariah)
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AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the section 10 of the Industrial Disputes

Act, 1947 has referred this dispute vide order L-17012/43/91-IR. (B. II) dated 12th February, 1992 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the Management of Life Insurance Corporation of India in dismissing the services of Shri B. M. Thippaswamy is justified ? If not, to what relief is/are the Workman entitled ?

2. First party was working with the second party. Charge Sheet was issued and enquiry was conducted. On the basis of enquiry report workman, Shri B. M. Thippaswamy was dismissed from service and therefore, industrial dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party in brief is as follows :

5. The late first party workman joined the services of the second party on 5-10-1980 as Sepoy at Branch Office, Davanagere Unit-II. He was discharging his duties sincerely and honestly.

6. It is his further case that charge sheet dated 20-8-88 was given to him for certain ferverous misconduct and he gave explanation to the said charge sheet. But the enquiry was conducted.

7. Regarding enquiry it is said that he was not given full opportunity to take the services of the advocate and to defend in the enquiry. It is also said that first party was placed ex-parte and enquiry was conducted. Enquiry is not fair and proper. Some of the details are also stated in the Claim Statement showing that full opportunity was not given to the first party workman to defend him during the enquiry. The punishment is excessive and harsh. Late First party workman has prayed to pass award in his favour.

8. It is seen from the record that during the pendency of the proceedings an application was filed on 9th August, 2001 stating that the workman died and his wife and children are filed application to bring them on record as Legal Representatives of the late workman. That application was allowed. Accordingly the LRs of late workman are brought on record.

9. The case of the Second party in brief is as follows :

10. It is contended that the provisions of Industrial Dispute Act cannot be invoked in this dispute and this tribunal has no jurisdiction.

11. It is the further case of the second party that during 1987 certain fraudulent transaction relating to LIC policies serviced by Davanagere Branch II came to light and promptly an investigation was conducted and there was prima facie evidence to show

that the first party was involved in those transactions including tampering and falsification of records. On the basis of investigation charge sheet was issued and enquiry was conducted.

12. Regarding enquiry it is stated that in detail that the same was conducted by giving full opportunity. All the facilities were provided to the first party to defend himself in the enquiry and the allegations made by the late first party-workman are not correct in this regard. Enquiry was conducted in accordance with law. The punishment is proper. The management for these reasons and for some other reasons has prayed to reject the reference. I have heard both sides in detail, I have perused all the material carefully. I have read the decisions cited by the parties.

13. It is seen from the records that late workman was examined on 13-6-1996 in part and further evidence was deferred at request. Management examined MW1 and his evidence is that he conducted the enquiry and he has given detailed evidence regarding enquiry. He is cross examined by the first party.

14. It is seen from the records that this Tribunal by its order dated 15th December, 1998 has passed orders holding that the DE is fair and proper. Thereafter the case was posted for arguments.

15. It is a fact that the late workman is dead. It is also a fact that this Tribunal has held that the DE is fair and proper. I have considered the entire enquiry proceedings and the material placed before the Enquiry Officer. In my opinion there is nothing on record to show that the report is perverse.

16. The learned counsel appearing for the first party relied the following decisions :

- (1) 2000(3) SCC 450
- (2) AIR 1989 SC 149
- (3) 1997(8) SCC 461

17. I have read the above decisions very carefully. The facts of the case on hand are quite different from the facts of the above decisions.

18. Second party has also relied decision of Civil Appeal No. 2651 of 1992 of the Hon'ble Supreme Court of India. I have read the above decision carefully.

19. In order to say that the enquiry report is perverse and the enquiry was not properly conducted it has to be established by the LRs of the first party-workman that the finding is perverse. In order to invoke the provisions of Section 11A of the Industrial Dispute Act, it has to be established by the LRs of the first party-workman that the finding is perverse and there is no evidence to prove the misconduct. But that is not done by late workman or his LRs. Therefore I am of the opinion that this is not a fit case to invoke the provisions of Section 11A of the Industrial Dispute Act.

20. I have considered the entire material before me and I am of the opinion that the misconduct is proved and there are no circumstances to invoke

the provisions of Section 11A of the Industrial Dispute Act. There is no merit in this reference and accordingly I proceed to pass the following Order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 4th September, 2001).

V. N. KULKARNI, Presiding Officer
नई दिल्ली, 18 सितम्बर, 2001

का.ग्रा. 2762.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्र बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-01 को प्राप्त हुआ था।

[सं. एल-12012/100/98-आई आर (बी-II)]

सी. गंगाधरण, अव्वर सचिव

New Delhi, the 18th September, 2001

S.O. 2762.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 17-9-01.

[No. L-12012/100/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT

"SHRAM SADAN"

III MAIN, III CROSS, II PHASE, TUMKUR
ROAD, YESHWANTHPUR, BANGALORE.

Dated : 13th September, 2001

PRESENT

HON'BLE SHRI V. N. KULKARNI, B. Com. LLB;
PRESIDING OFFICER
CGIT-CUM-LABOUR COURT,
BANGALORE.

C.R.No. 59/98

I PARTY

Shri T.L. Hanumantharaju, The Divisional Manager,
S/o Lingaiah,
3rd Division Colony,
Tyamagondlu,
Nelamangala Taluk,
Bangalore,
(Advocate-Anand Ram)

II PARTY

The Divisional Manager,
Staff Section (Workmen);
Canara Bank, Circle
Office,
No. 86, Spencer's Tower,
M.G. Road,
Bangalore 560 001.
(Advocate-T.R.K.
Prasad)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/100/98/IR(B-II) dated 11th August, 1998 for adjudication on the following schedule :

SCHEDULE

"WHETHER THE TERMINATION OF SHRI T. L. HANUMANTHARAJU BY THE MANAGEMENT OF CANARA BANK IS LEGAL AND JUSTIFIED? IF NOT, TO WHAT RELIEF THE SAID WORKMAN IS ENTITLED?"

2. The first party was working with the Second party. He was terminated and therefore, industrial dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party in brief is as under :—

5. The first party is a member belonging to the SC community. He joined the second party in 1986 as sub staff and worked upto December, 1992 uninterruptedly maintaining a clean and unblemished record of service. He has worked for more than 240 days in a calendar year and therefore, his termination amounts to retrenchment and non compliance of Section 25 F of the Industrial Disputes Act, 1947. The order of termination and the action of the management is illegal.

6. It is the further case of the first party that he was working beyond the working hours from the date of his appointment till the date of his termination. He has given some other details and the first party for these reasons and for some other reasons has prayed to pass award in his favour.

7. The case of the Second party in brief is as follows :

8. The main contention of the Second Party is that the first party was engaged as a coolie on casual basis off and on, intermittently and on daily wages.

9. It is the further case of the management that it is a nationalised bank and is required to follow the prescribed procedure for recruitment and there are service conditions of workmen employees. Details of that is given. It is also said that the candidates are selected according to the rules. The first party has not worked for 240 days in any year during the year 1986 to 1992 in the Counter. It is said during 1986 he worked 17 days, 1987 he worked 43 days, 1988 he worked 86 days, 1989 he worked 68 days, 1990 he worked 161 days, 1991 he worked 191 days and 1992 he worked 124 days.

10. The dispute is not maintainable. There is no termination and there is no question of non-compliance of the provisions of Section 25F of the

Industrial Dispute Act as alleged by the first party. The management for these reasons has prayed to reject the reference.

11. It is seen from the records that management examined one witness and workman got examined himself as WW1.

12. I have heard the arguments of both sides. First party has filed written arguments with certain citations. Second party counsel has also given two decisions.

13. I have read the evidence carefully and perused the Written Arguments and considered the decisions relied by the parties. The management has produced registers showing the number of days for which the first party workman was engaged as coolie. MW1 has stated that during the period 1986 to 1992 first party was engaged by the bank casually whenever there was need of work and the workman has not worked for more than 240 days in any given year during the said period.

14. He has further said that the payment of daily wages was made through registers and the registers are maintained to show the number of working days of the first party. He is cross examined but nothing is made out from his cross examination.

15. I have considered the registers carefully. The management has categorically stated in the counter giving actual working days of the first party yearwise. The management has substantiated this contention from the registers produced by the management.

16. It was argued by the learned counsel for the management that at the instant of first party the registers are produced and from these registers it is clear that the first party has not worked for more than 240 days in any year during the period referred earlier. There is merit in this arguments.

17. The workman has stated in his cross examination that he accepts the correctness of working days shown by the management in the counter except the year 1991 and he says that in the year 1991 he worked for more than 240 days. This shows that according to the first party he worked only in 1991 for more than 240 days. I have verified from the registers and I am of the opinion that the first party has not proved that he worked for more than 240 days in the year 1991.

18. I have considered the written arguments of the first party. First party has relied following decisions :

- (1) AIR 1986 SC 132
- (2) Decision of Kolkata High Court,
- (3) AIR 1981 SC 1253.

19. I have read the above decision carefully. The facts of the case on hand are quite different from the facts of the above decisions.

20. Second Party Counsel has relied the following 2 decisions :

- (1) 1994 (2) LLJ page 977 SC
- (2) 1997 LLR page 54 Punjab and Haryana High Court.

21. Keeping in mind the principles held in the above decisions and the fact that the first party has not worked for more than 240 days and he was not a regular employee, I am of the opinion that there is not merit in this dispute and accordingly I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 13th September, 2001)

V. N. KULKARNI, Presiding Officer
नई दिल्ली 18 सितम्बर 2001

का.प्र. 2763.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसंग में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण/अस न्यायालय, बंगलूर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 17-9-01 को प्राप्त हुआ था।

[सं. एल-12012/240/94-आई आर (बी-II)]
सी. गंगाधरन, अवर सचिव

New Delhi, the 18th September, 2001

S.O. 2763.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 17-9-01.

[No. L-12012/240/94-IR (B-II)]
C. GANGADHARAN, Under Secy.
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT
BANGALORE

Dated : 4th September, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com, LLB.
Presiding Officer,
CGIT-Cum-Labour Court,
Bangalore
C.R. No. 2/97

<p>I Party</p> <p>Shri B. Gunasekhar Rai, 784-A, Indira Nagar, II Stage, Bangalore 560 038. (Advocate : N. S. Narasimha Swamy)</p>	<p>II Party</p> <p>The Dy. General Manager, Syndicate Bank, Zonal Office, Gandhinagar, Bangalore 560 009. (Advocate : Pradheep S. Sawkar)</p>
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AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. 12012/240/94-IR (B.II) dated 2nd December, 1994 for adjudication on the following schedule :

SCHEDULE

“Whether the action of the management of Syndicate Bank, Bangalore in dismissing Shri B. GunaSekhar Rai, Clerk from service w.e.f. 30-7-92 is legal and justified ? If not, what relief is the said workman entitled to ?”

2. The first party was working with the Second Party. Charge sheet was issued and enquiry was conducted and on the basis of enquiry report first party was dismissed from service.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party in brief is as follows :

5. The first party joined the service of the second party bank as a Clerk in the year 1975 and he was working honestly and diligently. He has worked in several branches of the management. The first party had made some oral complaint against the then Assistant Manager while working at Bimanapura and the said Assistant Manager Sri B. S. Venkatesh Murthy developed ill will towards the first party for his legitimate union activities and for having made some oral complaint regarding the way in which the said manager was functioning in the aforesaid branch. Taking advantage of this ill will Venkatesh Murthy has made a false complaint to the management stating that the first party has threatened and also abused him. The allegations made by the management in the charge sheet are not correct. The first party has given details of his union activities in Claim Statement.

6. Regarding enquiry it is stated that the same is not correct and no opportunity was given to him to defend himself. The report of the Enquiry Officer is not correct.

7. First party has stated details of the enquiry in the Claim Statement. The action of the management is not correct. The first party workman for

these reason and for some other reasons has prayed to pass award in his favour.

8. The case of the management in brief is follows :

9. It is said that the bank is fully justified in imposing the punishment of dismissal from service and the punishment has been imposed for serious acts of misconduct, which has been proved. It is stated that on 11-10-90 first party while working a Clerk disobeyed and challenged him to report the matter to the Manager and used unparliamentary language against the said officer. Accordingly when the said officer was proceeding to the Manager's cabin, the first party suddenly pounced upon him and assaulted him which resulted in physical bleeding injuries. The management for these reasons has said that the action of the management is correct.

10. Regarding enquiry the management said that the same is correct and full opportunity was given to the first party to defend himself. Details of the enquiry are given in the counter. Parawise replies are also given by the management. The management has prayed to reject the reference.

11. It is seen from the record that this Tribunal by its order dated 26th June, 2001 has held that the Domestic Enquiry is fair and proper. In this case the management examined MW1 to prove the enquiry.

12. It is seen from the records that the first party has not given any evidence in this case. Now it is clear that the enquiry is held as fair and proper, the first party for the reasons best known to him remained absent for many years.

13. I have heard the learned counsel for the management. I have considered decisions cited by the management in 1998 (1) LLJ 1016. Now that the enquiry is held as fair and proper it is for the workman to establish that the finding of the enquiry officer is perverse and the report is incorrect. The first party has not convinced as to how the enquiry is incorrect.

14. I have carefully perused all the papers and I have held that the domestic enquiry is fair and proper. In view of this I am of the opinion that it is a fit case to invoke the provisions of Section 11A of the Industrial Disputes Act.

15. In the decision relied by the management, it is held that charge of abusing, threatening etc. is a serious misconduct and dismissal is not disproportionate to the misconduct. The facts of the case on hand are similar.

16. Considering all this I am of the opinion that there is no merit in this reference and I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 4th September, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 18 सितम्बर, 2001

का. भा. 2764.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संदर्भ में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अभ्युपनिषद् बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 17-9-2001 को प्राप्त हुआ था।

[सं. एल-12012/91/88-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 18th September, 2001

S.O. 2764.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 17-9-2001.

[No. L-12012/91/88-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT

"SHRAM SADAN"

III Main, III Cross, II Phase, Tumkur Road,
Yashwanthpur, Bangalore.

Dated : 4th September, 2001

PRESENT:

HON'BLE SHRI V.N. KULKARNI, B.Com., LLB.
Presiding Officer
CGIT-CUM-LABOUR COURT,
BANGALORE
C.R. NO. 269/97

I PARTY

The General Secretary,
Canara Bank Workers
Union, Anooradha Bldg.,
3058 GI/2001—24

II PARTY

The Chairman
Managing Director,
Canara Bank,

Subehar Chatram Road,
Bangalore-9
(Represented by General
Secretary)

Head Office,
J.C. Road, Bangalore-2
(Advocate Shri Pradeep
S. Sawkar)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act 1947 has referred this dispute vide order No. L-12012/91/88 IR (B-II)-dated 26th September, 1997 for adjudication on the following schedule:

THE SCHEDULE

"Whether the demand of Canara Bank Worker Union for 10% bonus for the accounting year 1985 is legal and justified? If so, to what relief the concerned workmen are entitled?"

2. The General Secretary, Canara Bank Workers Union being aggrieved of the fact that the management has not given 20 per cent bonus for the accounting year 1985 has raised this dispute.

3. Parties appeared and filed Claim Statement and Counter respectively. Rejoinders are also filed by the first party.

4. The case of the first party in brief is as follows:

5. It is the case of the 1st party union that the award of the National Industrial Tribunal was published by the Central Government in its order No. S.O. 2384 dated 22nd September 1960 and the award is known as Desai Award on Bonus. In the Claim Statement terms of award are stated.

6. It is the further case of the first party union that as per the above referred direction in the Desai Award while the banks are free to transfer any amount from the declared profits to the reserve fund, for allowing as a prior charge only 20 per cent is to be taken into account.

7. Regarding depreciation, what is stated in the Desai Award is also given in detail.

8. It is the further case of the union that the bank disbursed the minimum of 8.33 per cent bonus for the year 1985. On going through the published balance sheet of the bank, the first party found that as per the provisions of the payment of Bonus Act, 1965, the employees of the bank are entitled for 20% bonus. The first party union wrote to the bank demanding 20% bonus for the year 1985 but nothing was done. Writ petition was filed in the High Court of Karnataka and on the direction of High Court of Karnataka, the Govt. of India referred the dispute which was earlier refused by the Government.

9. The Balance Sheet and the Profit and Loss Account of the second party for the year ending

31-12-1985 is given in detail. The first party union for these reasons has prayed to pass award in its favour.

10. Second party filed very lengthy Counter contenting that the dispute is not maintainable and the claim of the first party union for payment of bonus at 20% for the accounting year 1985 is misconceived and is not justified. Canara Bank is a Nationalised Bank constituted under the provisions of Banking Companies Act, 1970. The service conditions of the award staff are as contained in the various Bipartite Settlements which have been entered into at the industry level by the Federation of Union of Employees representing the workman employees of Public Sector Banks and Indian Banks. There are about 6 unions operating in the second party representing the Award Staff. The relative strength of these Unions is also given.

11. The first party union is a minority union and represented only about 3% of the award staff working in the bank and 97% of the Award Staff/Workman have not voiced any grievance about the bonus paid, for the year 1985 under the payment of Bonus Act 1965. The management has contented that the first party has no espousable cause. The entire claim for payment of 20% bonus of the first party union is based on the provisions contained in Desai Award. First party union has relied paragraphs 96, 98 and 99 of the Desai Award dated 7-6-1962 contenting that the bank has not calculated bonus in the manner provided therein and therefore, it claimed bonus at 20% on the revised calculation in terms of paragraphs 96, 98 and 99 of the Award. The first party has also relied upon certain recommendations of the Bonus Commission to substantiate their claim. But the claim is misconceived and untenable because the Central Government referred certain disputes relating to the Banking Companies to the National Tribunal presided by Justice Kantilal T. Desai, vide order dated 21-3-1960 and the Tribunal passed an award dated 7-4-1962 and the said award was published by the Central Government under Section 17 of the Industrial Disputes Act 1947 on 13-6-1962 and one month after that date the award came into force. Prior to the above, another Award popularly known as Sastri Award was in existence governing the service conditions of the Award Staff.

12. It is the further case of the management that subsequently Indian Banks Association and Federation of Unions representing the employees working in public Sector Banks have been entering into various settlements known as Bipartite Settlements governing the service conditions of the Award Staff and these Bipartite Settlements have also modified a number of times both in the Sastri Award as well as the Desai Award.

13. It is the further case of the management that in the year 1965, the payment of Bonus Act was enacted to provide for payment of bonus to persons employed in certain establishments on the basis of profits or on the basis of production or productivity for matters connected therewith. The said Act came into force on 25-9-1965. Provisions of Section 34 of the Act are stated.

14. It is also said that Section 31A is a special provisions in respect of payment of bonus linked to production or productivity and hence it is not applicable to a Banking Industry. The Second party is required to calculate and pay bonus in accordance with provisions. Award is defined in Section 2(7) as an interim or final determination of any Industrial dispute or any question relating to thereto by a Labour Court Industrial Tribunal or a National Tribunal constituted under the Industrial Disputes Act, 1947. Thus a reading of Section 34 discloses that the provisions of the payment of Bonus Act, 1965 shall have effect notwithstanding anything contained in any Award including an Award of the National Industrial Tribunal under the provisions of the Industrial Dispute Act 1947. The Desai Award is an Award within the meaning of Section 2(7) of the Payment of Bonus Act as it is an Award of National Tribunal constituted under the provisions of Industrial Dispute Act 1947. In view of Section 34, the provisions contained in the Desai Award relating to the payment of Bonus to Award Staff in the Banks is unenforceable as the provisions of the payment of Bonus Act override those provisions contained in the Award. Thus the claim of the first party union is not maintainable.

15. It is seen from the award that claim of 20% based on the recommendations of the Desai Award/report of the Bonus Commission is misconceived and is illegal. Infact the parties are governed only by the provisions of Payment of Bonus Act. The Second party properly calculated the amount of bonus payable under the payment of Bonus Act and has rightly paid the bonus.

16. It is further stated that Section 10 of payment of Bonus Act, 1965 provides to the effect that an employer is required to pay every employee in respect of the accounting year a minimum bonus of 8.33% of the salary/wage earned by the employee during the accounting year or Rs. 100/- whichever is higher, whether or not, the employer has any allocable surplus in the said accounting year.

17. Section 11 of the Act provides for payment of maximum bonus under certain circumstances. Provisions of Section 32(1) of the Act are also stated in the Counter. A copy of the audited balance sheet for the year 1985 of the second party is also filed. It is contented that from the balance sheet it is clear

that Second party had no allocable surplus exceeding the amount of minimum bonus of 8.33% payable under Section 10. Balance Sheet details are given in the counter. Figures given by the first party are not correct. Management for these reasons has prayed to reject the reference.

18. It is seen from the records that since a long time the first party is not represented by the Joint Secretary. Nobody appeared for the first party. Therefore the management filed documents and they were marked. Management has also filed affidavit evidence. The first party has not cross examined them. I have heard arguments.

19. By way of rejoinder the first party union again contented that the bonus claimed is correct and all the allegations made by the management are denied. I have read the relevant rules and perused all the documents marked on behalf of the management. Ex.M2 is the important document showing allocable surplus under section 2(4) of the Payment of Bonus Act, 1965. I have carefully considered the provisions of Sections 10 and 24 of the Payment of Bonus Act, 1965.

20. It was argued by the learned counsel for the second party management that the first party is not entitled for 20% Bonus and the management is rightly paying bonus of 8.33% as per Act. It was also argued that the figures given by the first party union are not correct. It is an admitted fact that the balance sheet of the bank cannot be challenged. There is not an iota of material filed on behalf of the first party union to show that the employees are entitled for 20% bonus for the year 1985. The management has also filed Income tax returns and it is clear that there is no surplus amount as contented by the first party union. First party union for the reasons best known to it not proved this case and there is no merit in this reference. Therefore, I proceed to pass the following Order:

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 4th September 2001)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 18 सितम्बर, 2001

का.आ. 2765.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय

चेन्नई के पंचाट को प्रकणित करती है, जो केन्द्रीय सरकार को 17-9-2001 को प्राप्त हुआ था।

[सं. एल-12012/54/96-आई आर (बी-II)]
सी. गंगाधरण, प्रवर सचिव

New Delhi, the 18th September, 2001

S.O. 2765.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workman, which was received by the Central Government on 17-9-2001.

[No. L-12012/54/96-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 20th August, 2001

Present : K. KARTHIKEYAN,
Presiding Officer

INDUSTRIAL DISPUTE NO. 429/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 33/97)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri M. Veerapramal and the Management of Indian Overseas Bank, Chennai].

BETWEEN

The General Secretary, I Party/Claimant
Indian Overseas Bank Emp-
loyees Trade Union,
Chennai.

AND

The General Manager, II Party/Management
Indian Overseas Bank,
Chennai.

Appearance :

For the Claimant: M/s. K. V. Anantha-
krishnan and
A. Arukiyadoss,
Advocates.

For the Management : Sri N. G. R. Prasad,
Advocate.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial

Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-12012/54/96/IR (B-II) dated 09-5-1997.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 33/97. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 429/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 26-02-2001. On receipt of notice from this Tribunal, the counsel on either side present with their respective parties and prosecuted this case further.

This matter came up before me for final hearing on 03-07-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the documentary evidence let in on either side and upon hearing the arguments of learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :

“Whether the action of the Management of Indian Overseas Bank in dismissing Sri M. V Veeraperumal, Record Keeper, Indian Overseas Bank, Zonal Office, Madurai on 24-9-94 is legal and justified. If not to what relief, the said workman is entitled ?”

2. The averments in the Claim Statement of the I Party/Claimant Union are briefly as follows :

The General Secretary, Indian Overseas Bank Employees Trade Union has raised this industrial dispute espousing the cause of the employee Sri M. Veeraperumal. The I Party/Claimant (hereinafter referred to as Petitioner) has stated in the Claim Statement that the concerned employee Mr. M. Veeraperumal has joined the II Party/Management Indian Overseas Bank (hereinafter referred to as Respondent) on 20-2-67. When he was working as Record Keeper at the Zonal Office of Indian Overseas Bank at Madurai, he was charge sheeted on 23-8-93 for an alleged misconduct of introducing one Sri K. M. Marimuthu for opening SB account No. 16018 with North Vadmbokki Street Branch, Madurai with the sole purpose of fraudulently encashing the draft for Rs. 1,00,000/- issued in favour of K. M.

Marimuthu at the instance of Rajaguru, Kakkur Branch. It is further alleged that the said M. Veeraperumal at the time of introducing the said Marimuthu was aware that the draft given by Marimuthu was false and was obtained by fraudulent means by him and that M. Veeraperumal was responsible for the loss of Rs. 1,00,000/- to the bank. The delinquent employee disputed the charges levelled against him and denied his liability and stated that he did not commit any misconduct as alleged. In the domestic enquiry conducted to enquire into the charges mentioned in the charge memo issued to the concerned employee on the side of the Management two witnesses were examined and 12 documents were exhibited. The delinquent employee has examined and had marked three documents as his defence exhibits. Though the evidence let in, in the domestic enquiry on the side of the Management has not proved the charges against the charge sheeted employee, the Enquiry Officer gave a finding that the charge sheeted employee M. Veeraperumal was guilty of the charges of misconduct as alleged in the charge sheet and found him guilty of all the charges. On the basis of the findings, the Disciplinary Authority by his order dated 24-9-94 dismissed the delinquent employee Mr. Veeraperumal from service. So, the concerned employee preferred an appeal dated 9-12-94 to the Appellate Authority. Without appraising the evidence on record and the previous service record of the concerned employee, the Appellate Authority agreed with the findings of the Enquiry Officer and passed an order dated 25-1-95, dismissing the appeal. Therefore, the Petitioner Union has raised this dispute for the non-employment of the concerned employee challenging the order of the dismissal of the concerned employee passed by the Respondent/Management. The delinquent employee Mr. M. Veeraperumal did not commit any misconduct as per the charges levelled against him. He did not connive with Mr. K. Rajaguru attached to Kakkur Branch and K. M. Marimuthu to commit the charges levelled against him. From the charge sheet dated 21-9-93 issued to Rajaguru, it was admitted that the said Rajaguru made the delinquent employee M. Veeraperumal to sign the introduction letter in the account opening form for opening the account of Sri K. A. Marimuthu, who was not a person known to Mr. M. Veeraperumal. It is further admitted that the said Marimuthu acted in connivance with Rajaguru to cheat the bank to the extent of Rs. 1,00,000/-. The charge sheet dated 29-9-93 issued to Rajaguru will prove that the charges levelled against M. Veeraperumal is unsustainable and no prima-facie case has been made out. M. Veeraperumal except introducing the account holder to the bank at the instance

of Rajaguru, the then Manager of Kakkur Branch did not act or commit the charges levelled against him as alleged by the Management. In his reply, the delinquent employee has stated that Rajaguru came to his residence along with K.A. Marimuthu and requested him to introduce Marimuthu for opening a S.B. account as he was leaving for Madras. Since Sri K. Rajaguru was superior officer, M. Veeraperumal obliged and signed the account opening form. M. Veeraperumal was not aware of the address of the said Marimuthu. It is not proved that the delinquent employee is responsible in Marimuthu withdrawing the sum of Rs. 1,00,000/- from the said account and he was the beneficiary. Further, connivance between the delinquent employee, Rajaguru and K.A. Marimuthu has not been proved. The delinquent employee is not responsible for the loss of Rs. 1,00,000/- caused by Rajaguru and K.A. Marimuthu. The evidence before the Enquiry Officer both oral and documentary without any iota of doubt established that the delinquent employee M. Veeraperumal except signing the account opening form in the place as introducer had nothing to do with fraudulent act committed by the said Marimuthu in connivance with Rajaguru. There is no evidence to show that M. Veeraperumal only with an intention to cheat the bank signed as introducer in the account opening form. The transaction regarding withdrawal of amount from another branch and a bank issuing a draft for Rs. 1,00,000/- for want of funds are genuine transaction. The said Marimuthu in connivance with Rajaguru encashed the bank cheques obtained by Rajaguru on false representation from the party. The materials on records clearly established that M. Veeraperumal had no connection whatsoever for the withdrawal of the amount from some other account and/or regarding issue of draft. The Enquiry Officer's finding that the delinquent employee is guilty of charges is erroneous. The Appellate Authority failed to consider many aspects available as evidence in this case and without any discussions merely confirmed the order of dismissal. Hence, the Tribunal may be pleased to pass an award by setting aside the dismissal order dated 24-9-94 against M. Veeraperumal and direct the Respondent/Management to reinstate him in service with continuity of service and all other attendant benefits.

3. The averments in the Counter Statement of the II Party/Management are briefly as follows :

The concerned employee Sri M. Veeraperumal was working as Record Keeper in the Zonal office of the Respondent Bank at Madurai and he was charge sheeted on 23-8-93 for having committed a serious misconduct of introducing one Sri K. Marimuthu for opening SB Account No. 16018 with North Vadambokki Street Branch, Madurai with sole purpose of fraudulently encashing the draft for

Rs. 1,00,000/- issued in favour of Sri K. Marimuthu at the instance of Sri Rajaguru of Kakkur Branch. Sri M. Veeraperumal was aware at the time of introducing the said account that the draft given by Mr. Marimuthu was obtained by fraudulent means. Hence, he was responsible for the loss of Rs. 1,00,000/- to the bank on the said transaction. The concerned employee Sri M. Veeraperumal submitted a reply to the charge sheet and as the same was not satisfactory, the Disciplinary Authority ordered for an enquiry into the charges framed against him. It is incorrect to state that evidence placed in the enquiry did not prove the charges. The oral as well as the documentary evidence clearly proved the charges against Sri M. Veeraperumal and the findings arrived at by the Enquiry Officer was based on clear evidence. Consequent upon the acts of the concerned employee Mr. M. Veeraperumal, the Bank sustained a loss of Rs. 1,00,000/- being the amount of draft fraudulently encashed through the said S.B. Account. The acts committed by the Member amounted to gross misconduct in terms of clause 17.5(d) and 17.5(j) of the Bipartite Settlement dated 14-12-1966. As the acts committed by Sri M. Veeraperumal were serious in nature he was charge sheeted and suspended by the Disciplinary Authority on 23-8-93. In the enquiry, the charges framed against the concerned employee Sri M. Veeraperumal were proved beyond doubt. As the misconduct committed by the concerned employee showed moral turpitude on his part, the Disciplinary Authority awarded him a punishment of dismissal from service and before awarding the said punishment, the concerned employee Sri M. Veeraperumal was given a personal hearing by the Disciplinary Authority. The concerned employee preferred an appeal against the said order. The Appellate Authority also gave a personal hearing to the concerned employee on 9-12-94. After going through the entire records of the case and also the submissions made by the concerned employee Sri M. Veeraperumal in the personal hearing, the Appellate Authority dismissed the appeal preferred by the concerned employee. It is denied that the order of Appellate Authority was passed without appraising the evidence on record and the past record of the concerned employee. The Appellate Authority analysed the entire evidence and also took into account the past record of the concerned employee before passing the order. The concerned employee has committed serious misconduct as per the chargesheet framed against him. The evidence placed in the enquiry clearly established that the concerned employee Mr. M. Veeraperumal connived with Sri M. Rajaguru and also Sri K.A. Marimuthu. The chargesheet dated 4-9-93 issued to Sri Rajaguru itself will prove the collusion between Rajaguru, M. Veeraperumal and K.A. Marimuthu in cheating the bank. Sri Rajaguru was found guilty of the charges of cheating

and misappropriation of the accountholders money and awarded the penalty of dismissal by the Disciplinary Authority on 30-8-97. It is denied that Sri M. Veeraperumal did not do any thing except introducing the account of Sr. K.A. Marimuthu at the instance of Sri Rajaguru. The enquiry proceedings will clearly reveal that the concerned employee M. Veeraperumal introduced the account, knowing fully well that Sri Marimuthu was not entitled to proceeds of the draft and he was also aware that Sri K.A. Marimuthu was not living in the address given in the account opening form. In spite of knowing this, he gave an introduction to Sri K.A. Marimuthu and facilitated him to open a SB Account in the North Vadambokki Street Branch Madurai and withdraw the amount of Rs. 1,00,000/- from the S.B. Account by encashing the draft fraudulently obtained by him in collusion with Sri Rajaguru. The concerned employee should be fully aware of the implication in introducing an account he ought not to have introduced that of when the person seeking to open the account is not residing in the address in the account opening form. In spite of knowing that Sri K. Marimuthu was not entitled to the amount of draft he facilitated fraud being perpetrated with the bank. The act committed by the concerned employee is not a mere irregularity. The said SB Account was not opened for any genuine purpose but only for encashment of the draft fraudulently obtained. After opening of the account, the only transaction in the account was collection and withdrawal of the proceeds of the draft. From this it is evident, that it is a fraudulent act committed by the concerned employee. It was proved in the enquiry that Sri M. Veeraperumal was responsible in K.A. Marimuthu withdrawing a sum of Rs. 1,00,000/- from the said account. The connivance between Sri M. Veeraperumal, Rajaguru and Marimuthu was also proved. Therefore, the loss sustained by the bank is solely attributable to the misconduct committed by Sri M. Veeraperumal. The findings of the Enquiry Officer holding Sri M. Veeraperumal guilty of the charges are correct. The Disciplinary Authority took into consideration the serious nature of the misconduct committed by M. Veeraperumal and also his past record, which was not good. Hence, it is incorrect to state that Sri M. Veeraperumal was found guilty only on the basis of the past record. The enquiry proceedings conducted in a fair manner following all principles of natural justice. The Appellate Authority carefully analysed the entire records of the case and then only came to the conclusion that Sri M. Veeraperumal was guilty of the charges and awarded him the punishment of dismissal from bank service. On the facts and circumstances of the case, the punishment awarded by the Disciplinary Authority is justified and the same is not liable

to be questioned. There are no grounds to reinstate him in service, since Sri M. Veeraperumal was found guilty of the charges involving moral turpitude on his part. Hence, the Tribunal may be pleased to dismiss the claim of the Claimant.

4. When the matter was came for enquiry, when it was pending before the Tamil Nadu State Industrial Tribunal documents filed on either side were marked by consent and Ex. W 1 to W 4 and M 1 to M 33. Subsequently, on orders of transfer by the Central Govt., the case was received by this Tribunal and was taken on file as I. D. No. 429/2001 and here it was taken up for further enquiry. No further evidence either oral or documentary on either side was let in. The learned counsel on either side have advanced their arguments.

5. The point for my consideration is —

Whether the action of the Management of Indian Overseas Bank in dismissing Sri M. Veeraperumal Record Keeper, Indian Overseas Bank, Zonal Office, Madurai, 24-9-94 is legal and justified. If not to what relief, the said workman is entitled ?”

Point :—

The I Party/Claimant Indian Overseas Bank Employees Trade Union represented by the General Secretary has raised this industrial dispute espousing the cause of the employee Sri M. Veeraperumal. The concerned employee was working as a Record Keeper in the Zonal Office of the II Party/Management Respondent, Indian Overseas Bank at Madurai. On 23-8-93 he was charge sheeted for some alleged misconduct. Ex. W 3 is the xerox copy of that chargesheet. Prior to that he was placed under suspension by an order dated 23-8-93. The xerox copy of the same is Ex. W 1. In that order Ex. W 1 the concerned employee was directed to submit his explanation for the alleged misconduct mentioned in that order. The concerned employee has submitted his written explanation dated 23-9-93. The xerox copy of the same is Ex. W 2. After the issuance of charge sheet under Ex. W 3, the concerned employee has submitted his written reply dated 21-10-93 stating that only at the request of Sri K. Rajaguru, an officer in the Respondent Bank he stood as introducer for opening a SB account in the bank by Sri K. A. Marimuthu, excepting to that he was nothing to do with the incidents reported and he had been in no way responsible for the alleged loss of Rs. 1,00,000/- said to have sustained by the bank. Then a domestic enquiry was

initiated by the Respondent/Bank and the Disciplinary Authority had appointed one officer to enquiry into the charges levelled against the concerned Petitioner. The xerox copy of the order passed by the Disciplinary Authority dated 27-11-93 is Ex. W 5. The Enquiry Officer conducted the enquiry and has submitted his findings. The xerox copy of the enquiry proceedings is Ex. W 6. The xerox copy of the written submission made by the Presenting Officer and the defence before the Enquiry Officer in the domestic enquiry on 30-7-94 are Ex. W 7 and W 8 respectively. The xerox copy of the findings given by the Enquiry Officer dated 19-8-94 is Ex. W 9. In the enquiry, on the side of the Management two witnesses as MW1 and MW 2 were examined and 12 documents were marked as Ex. ME 1 to ME 12. On the side of the delinquent employee he himself has examined as witness and three documents were marked as Ex. DE 1 to DE 3. After analysing the evidence let in on either side before him during the domestic enquiry, and after considering the arguments put forth on either side, the Enquiry Officer had given a finding under Ex. W 9 stating that the documentary evidences and deposition of witnesses reveal that the charge sheeted employee in collusion with Sri Rajaguru and Sri K. A. Marimuthu cheated the Respondent/Bank to the extent of Rs. 1,00,000/- and hence he hold that all the charges are established and the concerned employee has committed the misconduct in terms of para 17.5 (d) and 17.5 (J) of the Bipartite Settlement dated 14-12-1966 by doing an act prejudicial to the interest of the bank. It is contended on the side of the I Party/Claimant that the evidence let in before the Enquiry Officer did not prove the charges levelled against the delinquent employee Sri M. Veeraperumal and it is further alleged that the Enquiry Officer without proper application of his mind on the oral and documentary evidence placed before him, he has given a wrong finding that the charges has been proved. Further it is contended by the learned counsel for the Petitioner that the Enquiry Officer and the Disciplinary Authority are one and the same and on that ground itself, the entire enquiry is vitiated and that it is a gross violation of principles of natural justice, that the entire findings of him were biased, perverse and contrary to the evidence on record. Ex. W 10 is the xerox copy of the reply given by the concerned employee Sri M. Veeraperumal to the Disciplinary Authority. That was given by him with reference to second show cause notice dated 19-8-1994 proposing the punishment of dismissal from Bank's service without further notice. Ex. W 11 is the xerox copy of the submission made by the defence

representative dated 3-9-94 to the show cause notice to personal hearing given to concerned employee Sri M. Veeraperumal. Ex. W 12 is the xerox copy of the proceedings of the personal hearing held on 3-9-94 by the Disciplinary Authority. After the the Disciplinary Authority passed an order dated 24-9-94 awarding the punishment of dismissal from bank service with immediate effect. The xerox copy of the same is Ex. W 13. Against that order of dismissal the concerned employee preferred an appeal to the Appellate Authority and the Appellate Authority was pleased to pass an order dated 25-1-95 confirming the order of the Disciplinary Authority. The xerox copy of that order of Appellate Authority is Ex. W 14. The learned Counsel for the Respondent has advanced an argument stating that the delinquent employee Sri M. Veeraperumal colluded with the previous Management Sri K. Rajaguru cheated the bank by committing fraud and thereby caused loss of Rs. 1,00,000/- for the Respondent/Bank. For the alleged misconduct mentioned in the charge sheet domestic enquiry was conducted in a fair and proper manner following the principles of natural justice. The contention of the Petitioner's counsel that the findings of the Enquiry Officer were biased, perverse and contrary to the evidence on record and all the representation made are an after thought and no such plea has been taken in the Claim Statement filed before this Tribunal. Further the contention of the learned counsel for the Petitioner that the enquiry is vitiated on the ground that the Disciplinary Authority himself is the enquiry authority and it amounts to a gross violation of principles of natural justice is incorrect, in view of the decision of the Supreme Court in a case reported as 1970 II LLJ 326. So it cannot be said that the enquiry is vitiated and it is against the principles of natural justice.

6. A perusal of the entire enquiry proceedings marked as Ex. W 6 clearly shows that the delinquent employee along with defence representative taken part in the entire enquiry and the management witnesses were duly cross examined by the defence representative. Further, the delinquent employee himself has examined as a defence witness. From this, it is seen that fair and proper opportunity was given to the concerned employees in the domestic enquiry and it is seen from the records that no one has raised during the domestic enquiry that the Disciplinary Authority himself functioning as an Enquiry Officer in the domestic enquiry is illegal and against the principles of natural justice. Further, as it has been decided by the Supreme Court in the above cited case, it cannot be said that the enquiry

conducted by the Disciplinary Authority as an Enquiry Officer is vitiated and it is against the principles of natural justice. Further a perusal of the entire enquiry proceedings show that sufficient oral and documentary evidence has been let in before the Enquiry Officer for him to come to the conclusion that the charges levelled against the delinquent employee have been proved, as he has mentioned in his findings Ex. W9. Under such circumstances, the arguments advanced by the learned counsel for the Petitioner that the findings of the Enquiry Officer were biased, perverse and contrary to the evidence on record is incorrect and unacceptable. Further no such plea has been taken in the Claim Statement filed by the Claimant Union.

7. It is admitted that the concerned employee Sri M. Veeraperumal introduced one Sri K. M. Marimuthu for opening of SB Account No. 16018 in North Vadambokki Street Branch, Madurai of the Respondent/Bank and a draft for Rs. 1,00,000 issued in favour of Sri K. Marimuthu has been encashed. It is alleged against the said employee at the time of introducing the said Marimuthu the concerned employee was aware that the draft given by Marimuthu was false and was obtained by fraudulent means by him and because of the encashment of the draft for Rs. 1,00,000 the bank sustained a loss. The introduction of the person by the concerned employee and the loss of Rs. 1,00,000 to the Respondent/Bank has not been disputed. On the other hand, it is contended on the side of the Petitioner that introduction of a person by the concerned employee is only an irregularity but not a misconduct and the concerned employee is no way connected with the alleged fault of encashment of the draft for Rs. 1,00,000 issued in favour of Sri K. M. Marimuthu. It is seen from the evidence available in this case that a draft for Rs. 1,00,000 had obtained in the name of Sri K. A. Marimuthu in collusion with Sri Rajaguru, the Manager of the Kakkur Branch and the concerned employee Sri M. Veeraperumal introduced that Sri K. M. Marimuthu to open a S.B. Account in the North Vadambokki Street Branch, Madurai, when he was working as a Record Keeper in the Zonal Office of the Respondent/Bank Madurai, and it was the sole purpose of fraudulently encashing the draft No. 11/90 issued by Kakkur Branch in favour of Sri K. A. Marimuthu for Rs. 1,00,000. While introducing the said S. B. Account the concerned employee was fully aware of the fact that the said Marimuthu was not resident at the address given in the bank account opening form and that on Sri Mani Iyer, Astrologer was residing in that address. Even then the concerned employee stood as an introducer for Marimuthu to open a S. B. Account, thereby the draft fraudulently obtained was credited into the said S. B. Account and the proceeds were fraudulently

withdrawn by Sri Marimuthu subsequently and this came to the light of the Bank when the three S. B. Account holders found that their accounts were not transferred to Chokkikulam from Kakkur branch when their accounts in Kakkur branch were closed and the proceeds were misappropriated. The said act of introduction made by the concerned employee Mr. M. Veeraperumal is not mere a irregularity. The concerned employee has served in the Respondent/Bank for a quite number of years has fraudulently stood as an introducer for opening a S. B. account for the stranger knowing full well that he is not residing in the address given in the form for opening that account. From the fact that after opening that account the only transaction in that account was collection and withdrawal of proceeds of the draft go to show that the S.B. account was not opened for any genuine purpose but only for encashment of the draft fraudulently obtained. So from the available evidence, it is proved that with the connivance of the concerned employee, Sri Rajaguru and Sri Marimuthu the draft for Rs. 1,00,000 had produced for collection in the account of the stranger Sri K. A. Marimuthu, introduced by the concerned employee, and the proceeds were subsequently withdrawn. From this, it is seen that the concerned employee was directly responsible for encashment of draft for Rs. 1,00,000 and he only facilitated Sri K. A. Marimuthu to withdraw the amount by introducing that person to the branch. Therefore, the concerned employee is the root cause for the bank sustaining a loss of Rs. 1,00,000. The said misconduct committed by the concerned employee amounts to cheating the bank with fraudulent nature of the transaction. That was why the Enquiry Officer after analysing the evidence available before him had given a finding that Sri M. Veeraperumal is guilty of the charges levelled against him and the charges have been proved by unimpeachable evidence. The past record of the concerned employee was alleged to be not good in the Counter Statement itself. It is also stated in the Counter of the Respondent that the Disciplinary Authority besides the findings arrived at the enquiry had also took into consideration the past record of the concerned employee. The Disciplinary Authority had imposed the punishment as per the stipulations in the Bipartite Settlement dated 14-12-1966. It is also seen from records that the Appellate Authority after considering the entire records of the case came to the conclusion that the concerned employee was guilty of the charges and has confirmed the punishment awarded by the Disciplinary Authority to the delinquent employee of dismissal from bank service. From the available materials it is seen that the proved misconduct of the concerned employee is an act definitely beyond his authority. Further, in the account

opening form for the S. B. Account of K. A. Marimuthu, the concerned employee as introducer has given a declaration that he knows him personally for a considerable period and confirmed the correctness of the occupation and address declared by the depositor in that application. It is evident from the other evidence available in this case that the address given in that account opening form as that of the depositor is not his address but it is an address of one Astrologer Mr. Mani Iyer. So one such declaration given by the employee of the bank in service is only with an intention to cheat the bank and ultimately, later that facility was availed by the depositor to commit fraud making use of that account and for which the concerned employee was a root cause but for him the said fraudulent act would not have been committed and the Respondent/Bank also would not have sustained loss to the tune of Rs. 1,00,000. So under such circumstances, it is seen that the action of the management of Indian Overseas Bank in dismissing Sri M. Veeraperumal, Record Keeper, Indian Overseas Bank Zonal Office, Madurai w.e.f. 24-9-1994 is legal and justified. Hence, the concerned employee is not entitled to any relief. Thus, the point is answered accordingly.

8. In the result, an award is passed holding that the action of the Management of Indian Overseas Bank, in dismissing Sri M. Veeraperumal, Record Keeper, Indian Overseas Bank Zonal Office, Madurai w.e.f. 24-9-1994 is legal and justified. Hence, the concerned employees is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 20th August, 2001).

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None

DOCUMENTS MARKED :

For I Party/Claimant :

Ex. No.	Date	Description
1	2	3
W1	23-08-93	Xerox copy of the charge sheet-cum-suspension order.
W2	23-09-93	Xerox copy of the letter from Petitioner to the Disciplinary Authority.
W3	29-09-93	Xerox copy of the charge sheet.

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1	2	3
W4	21-10-93	Xerox copy of the letter from Petitioner to the Disciplinary Authority.
W5	27-11-93	Xerox copy of the letter from the Disciplinary Authority to Petitioner.
W6	08-02-94	Xerox copy of the enquiry proceedings.
W7	Nil	Xerox copy of the Presenting Officer's written Submissions.
W8	30-07-94	Xerox copy of the written submissions from Defence side.
W9	Nil	Xerox copy of the findings of the Enquiry Officer.
W10	02-09-94	Xerox copy of the letter from Petitioner to the Disciplinary Authority.
W11	03-09-94	Xerox copy of the letter from the Petitioner Union to the Disciplinary Authority.
W12	03-09-94	Xerox copy of the personal hearing proceedings.
W13	24-09-94	Xerox copy of the order of dismissal.
W14	25-01-95	Xerox copy of the letter from Appellate Authority to the Petitioner.

For the II Party/Management :

Ex. No.	Date	Description
1	2	3
M1	08-02-94	Xerox copy of the enquiry proceedings
	09-02-94	
	18-05-94	
M2	03-09-94	Xerox copy of proceedings of personal hearing.
M3	06-05-93	Xerox copy of the suspension order issued to Sri Rajaguru.
M4	29-09-93	Xerox copy of charge sheet issued to Rajaguru.
M5	30-12-93	Xerox copy of the reply of Sri Rajaguru to the Charge sheet.
M6	05-04-97	Xerox copy of the Enquiry Officer's letter to the Disciplinary Authority enclosing report.
M7	30-08-97	Xerox copy of the order of punishment issued to Rajaguru.
M8	31-08-98	Xerox copy of the order of Appellate Authority Relating to the charge sheet issued to Rajaguru.

1	2	3
M9	11-05-93	Xerox copy of investigation report A. Gannappa.
M10	16-12-92	Xerox copy of investigation report A. Gnanappa.
M11	18-04-92	Xerox copy of the DD No. 11/19 of Kakkur Branch for Rs. 1 lac drawn on CCO Madurai favouring Marimuthu.
M12	Nil	Xerox copy of the SB a/c opening from relating to Account No. 18018 in the name of Marimuthu.
M13	24-04-92	Xerox copy of the credit cash voucher for Rs. 5000 favouring Sri K.A. Marimuthu.
M14	24-04-92	Xerox copy of the credit transfer voucher for Rs. 1,00,000 favouring Sri K.A. Marimuthu.
M15	Nil	Xerox copy of the folio No. 134 of SB ledger No. 84 containing SB a/c No. 18018 of Marimuthu.
M16	12-11-92	Xerox copy of the letter from V. Sambasivan to General Manager, Central Office, Madras.
M17	08-05-93	Xerox copy of letter from Sri V. Vaikuntaraman Manager of Kakkur Branch to Investigation Officer.
M18	11-01-92	Xerox copy of the sale agreement signed by Sri Sambasivan and Smt. Parvathi.
M19	23-08-93	Xerox copy of the charge sheet-cum-Suspension order issued to Petitioner.
M20	23-09-93	Xerox copy of the letter of Veeraperumal to the Disciplinary Authority.
M21	29-09-93	Xerox copy of the reply of Disciplinary Authority to the M. Veeraperumal.
M22	11-10-93	Xerox copy of the letter from Disciplinary Authority to M. Veeraperumal.
M23	21-10-93	Xerox copy of the reply to the the charge sheet.
M24	27-11-93	Xerox copy of the letter from Disciplinary Authority to M. Veeraperumal.
M25	Nil	Xerox copy of the written brief of Presenting Officer.
M26	30-07-94	Xerox copy of the written brief of Defence side.

1	2	3
M27	19-08-94	Xerox copy of the show cause notice and notice of personal hearing issued by Disciplinary Authority to M. Veeraperumal.
M28	Nil	Xerox copy of the findings of the Enquiry Officer.
M29	02-09-94	Xerox copy of the reply to the findings.
M30	24-09-94	Xerox copy of the original order of punishment passed by Disciplinary Authority.
M31	15-10-94	Xerox copy of the appeal preferred by Sri M. Veeraperumal to Appellate Authority.
M32	09-12-94	Xerox copy of the appeal preferred by Sri M. Veeraperumal to Appellate Authority.
M33	25-01-95	Xerox copy of the order of Appellate Authority

नई दिल्ली, 17 सितम्बर, 2001

का.आ. 2766.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सलाल हाइड्रोइलेक्ट्रिक प्रोजेक्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चांडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-2001 को प्राप्त हुआ था।

[सं. एल-42012/108/92-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 2001

S.O.2766.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Salal Hydroelectric Project and their workman, which was received by the Central Government on 17-9-2001

[No. L-42012/108/92-IR(DU)]

KULDEEP RAI VERMA, Desk Officer

ANNEXURE

Before Shri B. L. Jatav, Presiding Officer,
Central Govt. Industrial Tribunal-cum-Labour Court,
Chandigarh.

Case No. ID 80/93 The General Secretary,
Salal Project Employees
Union, Shed No.
8, Jyotipuram Via
Reasi (J & K) 182312.
.. Workman.

Vs.

The General Manager,
Salal Hydroelectric Project,
Jyotipuram Via Reasi (J & K).
.. Management.

APPEARANCES

For the workman : Shri M.R. Salalia

For the management : Shri V.K. Gupta

AWARD

(Passed on 21-8-2001)

The Central Govt. vide notification No. L-42012/108/92-IR(DU) dated 21st of July 1993 has referred the following dispute to this Tribunal for adjudication :

“Whether redesignation of Meller (gauge) Gr. I to ‘Gauge reader grade. III’ under the management policy of redesignation of pay scales, designation and line of promotion is justified? If so, to what relief the workmen concerned are entitled to?”

2. The case of the Union in brief is that the workmen Rattan Lal, Thakur Dass and Sham Lal are working in the Salal Project for the last many years. Their pay scales and designation were rationalisation in N.M.P.C. Salal Project from 1-8-1983 vide office order No. Part-I/5 of 1986 dated 30-5-1986. As per the rationalisation scheme the Executive Engineer of Quality Control Division Township Complex Jyotipuram rationalised the designation of aforesaid workmen including others vide his office order dated 30-5-1986 and office order dated 6-8-1986 in the same pay scales. The copies of the office orders were endorsed by the Executive Engineer to the Senior Manager (P & A) Salal Project with the request to maintain their seniority in the category of gauge reader. The senior manager failed to maintain their seniority in the category of gauge reader. The authorities of Salal Project issued transfer orders of some helpers including helper (gauge) but the names of above three workmen were not included in the seniority list of gauge readers. The workmen approached to the authorities through Union for the rectification of orders to correct the designation of the effected workmen as per rationalisation scheme and as per corrigendum dated 18-2-1989. All the three workmen became eligible for promotion w.e.f. 1-1-1988 and 1-1-1989 as gauge reader grade II but they were not promoted according to the line of promotion under the rationalisation scheme. Therefore, the workmen claimed the relief of their promotion to the post of gauge reader grade-II.

3 The management has filed the written statement alleging that the orders issued by the Executive Engineer is erroneous. The orders passed by then Engineer was without jurisdiction as r.o officer could otherwise deviate from the provisions of the rationalisation settlement of 1986 retrospectively which was made effective from 1-8-1983. As per the settlement the helper trade in all departments was rationalised as one single trade of helper without attachment with any specific trade. Accordingly the workmen concerned were required to be designated as helpers like all other helpers in the project in one grade. There was no post of gauge reader in the classification of workman as agreed upon in the settlement for any helper. The term of the reference is inconsistent with the claim of the workman. It has been alleged by the management specifically that the Executive Engineer has acted erroneously and ignoring the provisions of settlement. It has been denied that the workmen are gauge readers. There is no post of gauge reader in the rationalisation of designation of helper trade.

There was no such post for helper trade in the rationalisation scheme. The office orders dated 31-7-1986 and 6-8-1986 were without jurisdiction and could not be a matter of implementation in violation of the terms of rationalisation agreement. Therefore, the question does not arise to maintain the seniority list of helpers (gauge).

4. The management has alleged that the corrigendum dated 18-2-1989 from Deputy Manager (P) was managed in contravention of settled policy for rationalisation. That corrigendum is not legally maintainable or binding upon the management because the Deputy Manager (P) is not competent to create a post of gauge reader. It is incorrect that the workmen became eligible for promotion from 1-1-88 and 1-1-1989 as gauge reader II. The workmen concerned were promoted as helpers to the next grade in line of promotion. They are getting their wages as per pay scales laid down in the settlement. The claim of the union is not maintainable. Therefore, the workmen are not entitled to get any relief from the management.

5. The Union has filed the affidavit of Rattan Lal, (Ex. W1), Thakur Dass (Ex. W5) and Sham Lal (Ex. W6). The union has also filed the copy of the documents which have been exhibited as Ex. W2 to W4. The management has filed the copy of the settlement dated 31-5-1986 which is Ex. M1. The affidavit of Asstt. Admn. Officer Shri Angrej Singh has been filed which is Ex. M2. All the three workmen have deposed in their affidavits that they were working as helper (gauge) prior to settlement dated 31-5-1986. After implementation of rationalisation settlement the Executive Engineer, quality control rationalised the designation of these workmen and they were placed in the category of gauge readers w.e.f. 1-8-1983 and 1-10-1983. The workmen were entitled to promotion in the next higher pay scale

but the management failed to promote them in that scale. The witness of the management has deposed that the settlement for rationalisation was arrived at between the workmen and the management. The pay scales, designations and line of promotion were rationalised and the settlement was implemented w.e.f. 1-8-1983. As per rationalisation scheme the designation of the helpers was not changed as gauge readers. The post of the gauge reader is selection post which could be filled out of the candidates who had applied for the said post on notification of vacancies. The candidates are to be selected by the selection committee. The executive engineer, quality control, had issued the order erroneously. He was not competent to place the workman in the category of gauge reader. They were simply helpers. Therefore, their names had been included in the seniority list of helper.

6. The orders issued by the Executive Engineer, Quality Control is Ex. W2 and W3. By these orders all the three workmen were placed in the pay scale of Rs. 210-290 as gauge readers w.e.f. 1-8-1983 and 1-10-1983. The existing designation of the workmen has been shown in column No. 3 as helper grade-I (gauge). Their rationalised designation had been shown in column No. 4 as gauge reader grade-III. In these orders the existing pay scales of helper grade-I (gauge) has not been mentioned. The management has also not disclosed the existing pay scale of the workmen. Therefore, the rationalisation scheme is to be perused. If their existing pay scales had been shown the controversy would have been adjudicated upon easily.

7. Annexure-I of Ex. M1 is rationalisation scheme. In annexure-1, rationalised designation and existing designation have been shown. The helper grade-III has been placed in the pay scale of Rs. 196-232. This scale has also been shown in Annexure-III at serial No. 2. This is the induction pay scale. On page 2 of Annexure-III the pay scale of gauge reader grade-III has been shown which is Rs. 210-290. This pay scale is also end induction pay scale as per Ex. M1. The pay scale of helper grade-II is Rs. 210-290. The grade of the helper (gauge) has been shown as helper grade-I in the orders Ex. W2 and W3. The pay scale of helper graded is Rs. 225-308 under the rationalised pay scales shown in Annexure-III. But these workman have been placed in the pay scale of Rs. 210-290 instead of pay scale of Rs. 225-308.

8. The witness of the management was cross-examined by the representative of the workmen. He has deposed that the Executive Engineer, Quality Control had issued the orders Ex. W2 to W4 without competency but no action had been taken against the Executive Engineer for passing the wrong orders. He has also admitted that no action was taken for the correction of wrong orders. The plea of the management is that the orders issued by the Executive Engineer is erroneously. If it is so, the management might have modified the orders issued by the Executive Engineer. Besides this disciplinary action might have been taken by the management against him but no action has been taken by the management. Under these circumstances, it cannot be held that the orders passed by Executive Engineer is unreliable.

These orders are in existence. In absence of any cogent reasons these orders cannot be set aside by this Tribunal. Under these circumstances, the names of the workmen should have been included in the seniority list of gauge readers grade-III. The orders passed by the Executive Engineer are justified in absence of any disciplinary action by the management.

9. The terms of the reference relates to the redesignation of helper (gauge) grade-I to gauge reader grade-III under the rationalisation scheme, relating to pay scale designation and line of promotion. Indirectly the terms of reference relates to the orders Ex. W2 to W4 issued by the Executive Engineer Quality Control. The management has failed to prove that the action taken by the Executive Engineer was erroneous. Therefore, the reference deserves to be answered in favour of the workmen.

10. The Union has challenged the promotion of the workmen. The facts alleged in the claim statement are inconsistent with the term of the reference so far as it relates to the promotion on the post of gauge reader grade-II but it cannot be adjudicated upon by this Tribunal.

11. As per discussions made in the preceding paragraph of this Award, the reference is answered by holding that the redesignation of helper (gauge) grade-I to "gauge reader grade-III" under the management policy of redesignation (rationalisation) of pay scales, designation and line of promotion by the Executive Engineer, Quality Control is justified. Consequently, the workmen are entitled to get their names included in the seniority list of gauge reader-III. Both parties shall bear their own costs. Appropriate Government be informed.

Chandigarh.

Date : 21-8-2001.

B. L. JATAV, Presiding Officer.

नई दिल्ली, 17 सितम्बर, 2001

का.आ.2767—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम डिस्ट्रिक्ट मैनेजर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लेबर कोर्ट, नासिक के पंचाट का प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-2001 को प्राप्त हुआ था।

[सं. एन-40012/14/93—ग्राह्यार (डी.यू.)]
कुलदीप राय वर्मा, ईम्क अधिकारी

New Delhi, the 17th September, 2001

SO 2767.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby published the award of the Labour Court Nashik as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom District Manager and their

workman which was received by the Central Government on 17-9-2001.

[No. L-40012/14/93-IRCDU]

KULDIP RAI VERMA, Desk Officer
ANNEXURE

BEFORE SHRI D.H. DESHMUKH, PRESIDING
OFFICER, LABOUR COURT, NASHIK

Ref. (IDA) No. 21/1994

Between :

The Telecom District Manager,
Telecom Dept. Nashik, Employer/first party
and
Shri Suresh G. Kadam,
C/o Asstt. Circle Secretary,
All India Telecom Employer Union,
C/o Telephone Exchange Jalgaon

Workman/second party

Present : Shri D.H. Deshmukh, Judge.
Appearances : Mrs. Patil A.G.P. for first party/
employer. Mr. Joshi Adv. for
second party/workman

AWARD (29-5-2001)

This is a reference made by the Govt. of India, Ministry of Labour New Delhi under clause (d) of sub-sec. 1 and sub-sec. 2(A) of sec. 10 of the Industrial Disputes Act, 1947. The matter in dispute is thus :

“Whether the action of the management of Telecom District Manager Nashik in paying wages to Shri S.G. Kadam, part time sweeper, Nandgaon Telephone Exchange @ Rs. 90 per month is justified and consistent with letter No. 10-13/87 rates dt. 23-2-88 of Directorates of Telecom? If no, what relief he is entitled to ?”

2. The concerned workman has filed the Statement of claim at Ex. U 2 contending that he has been employed with S.D.O. Telephones Marwad. Dist: Nashik at Telephone Exchange at Nandgaon as a part-time sweeper. The workman claim to have worked for 2 hours every day since October, 1983. He was initially paid Rs. 60 p.m. which were enhanced to Rs. 90. The workman has contended that according to the directions in the order passed by the Hon Supreme Court of India on 27-10-87 in CWP 39/86 the Directorate of Telecom New Delhi, issued instructions vide letter No. DOT 10-13/87 rates dt. 23-2-88, for payment to all casual labourers on the basis of minimum pay in the pay scales of the regularly employed workers in the corresponding cadres including D.A. and A.D.A. and the part-time casual labourers were required to be paid pro-rata basis. Accordingly, the workman claims to have demanded due wages from the department, but the same have not been paid. The workman has worked out the difference of wages due to him in Annexure I to the tune of Rs. 20,279.50 which

have been claimed with interest @ 12% p.a. In Annexure I, the wages actually paid and payable as per the instructions of the departmental head have been mentioned.

3. The employer department appeared and resisted the claim vide written statement Ex. C-3 contending that the Telecom Dept. is not an industry within the meaning given in the Industrial Disputes Act, and that the reference was made without application of mind and is therefore unenforceable. This court is stated to have got no jurisdiction to adjudicate upon the dispute. It is further contended that the concerned workman was not appointed by the Competent Authority nor was he sponsored by the Employment Exchange. It is submitted that there is no employer-employee relationship between the parties. It is further contended that the concerned workman is doing the work of sweeper on contract basis and no appointment order was issued nor has necessary sanction of the competent authority been obtained. The concerned workman is stated to be a casual labourer engaged on contract basis. The department has also contended that there is no sanctioned post. Denying thus the claim made, the Dept. has claimed rejection of the reference.

4. My Id. predecessor had framed the preliminary issue relating to jurisdiction of this court and maintainability of the reference. The said issue was decided after hearing both the sides on 20-1-98, declaring that this court has got jurisdiction to entertain and try the reference. In view of the said part I Award, it would not now be necessary to go into the jurisdictional objection raised in the written statement. The employer department had contended that the dispute of the present nature is outside the jurisdiction of this court which contention is baseless. The appropriate Govt. is empowered to refer to this court dispute relating to wages as contemplated in the Third Schedule, if it is not likely to affect more than 100 workmen. The workman in the present case is only one. I find that the reference is maintainable.

5. The surviving issues and my findings thereon are as under :—

1. Whether the second party/workman Shri S.G. Kadam is entitled to get the difference as mentioned in the Statement of Claim and Annexure?... Yes.

2. What order and relief ?..... As per final award.

REASONS

6. Both the parties have adduced oral as well as documentary evidence and I have heard their Id. Counsels.

The workman Suresh has specifically contended and then stated on oath about the part-time work done by him since 1983 which evidence has not been rebutted because the Sub-Divisional Engineer examined by the Dep. has nowhere denied the employment and the work done by the workman during all these years. The officer has only stated that the workman Suresh was engaged on contract basis and the powers to make regular appointments are vested in the Divisional Engineer. No rules have been shown as regards the recruitment or the power of appointment. One blank sample voucher has been produced with Ex. C-8 by the employer department to show as to how the present workman was paid his wages. From the evidence on record, one can only conclude that the workman was employed on part time-basis to work for 2 hours daily and was paid Rs. 90 p.m. which has now been enhanced to Rs. 250. The sub-divisional engineer has admitted in cross-exam. that in the reply filed there is no specific mention that the workman was engaged on contract basis and further that the contract has not been produced on record. The witness admits that the payment made to the workman was enhanced whenever salaries of the regular employees were also raised from time to time. The workman was therefore a part-time worker, who has been employed continuously to do the sweeping work.

7. Now, the basis of the claim is the notification issued by the Department of Telecom on 23-2-88 which is Annexure B to Ex U-3 produced by the concerned workman and the same has been admitted by the witness of the employer department. The said witness has admitted that all other workers have been paid difference in accords with the said notification. The notification reads, thus:

"In compliance to Hon'ble Supreme Court of India decision dated October 27, 1987, in Writ Petition No.373 of 1986 regarding payment of wages to casual labourers at the minimum of pay in the pay scales of the regularly employed workers in the corresponding cadre, but without any increments with effect from the 5th February, 1986, the Directorate of Telecommunications has decided that:

- (i) all the casual labourers engaged on casual basis are to be paid wages worked out on the basis of minimum pay in the pay scale of regularly employed workers in the corresponding cadre but without any increment with effect from the 5th Feb. 1986. The casual labour will also be entitled to DA and ADA if any, on the minimum of the pay scale. No other allowances are to be paid.
- (ii) the word 'casual labour' would cover full time casual labour, part-time casual labour

and workers engaged on contingency basis. Part-time workers will be paid on pro-rata basis. For the purpose of payment, no distinction should be made whether the casual labourers are being paid wages against Muster Rolls charged to Works or Establishment Bills or from Office Contingencies.

- (iii) The arrears at the enhanced rate are to be paid before 25-2-88 positively.

2. The expenditure involved in the payment of arrears is classifiable in the accounts as charged. Budget section of this Directorate may be contacted for allotment of funds."

8. It is clear from the notification that part-time workers are required to be paid wages equivalent to the minimum pay in the pay scale of regular employees in the corresponding cadre but on pro-rata basis. No distinction can be made whether the part time workers are paid against muster rolls, charge to work or establishment bills, or from office contingencies. The workman in this evidence at Ex. U-12, has stated about the part-time work done by him and the wages paid from time to time. Though he has stated 4 hours duty performed everyday, in the statement of claim, the working hours mentioned are two per day. From the other evidence also, like the joint verification report dt. 11-8-92 at Annexure D with Ex. U-3, the working hours of the concerned workman appeared to be two everyday. The concerned workman has deposed as to the calculations given in Annexure A to the statement of claim, which according to him are correct. In cross-exam. his evidence has remained unshaken.

Coming to the evidence of the sub-divisional engineer (Ex.C-7) of the employer department, there are material admissions which support the claim of the workman. The said witness has admitted that as on today Class IV regular employees draw Rs. 3000. p.m. He admits that the sweepers work is of permanent nature. The witness does not deny that the concerned workman has been working for 2 hours everyday. It would be interesting to take note of an admission given by the sub-divisional engineer of the department in his cross-exam. when he stated thus:

"Personally I feel that injustice has been done to the workman Suresh by paying inadequate wages, but as an officer I would not say so."

The witness has further admitted that the workman has not been paid difference since 1983.

9. The facts and figures given by the workman in the statement of claim as well as the Annexure I, are regarding hours of work, wages payable to regularly employed sweeper from time to time, and the

amount due to a part time sweeper on pro-rata basis during the relevant period i.e. 1986 to 1994. The Annexure I appears to be a well worked out chart, in which the total difference or wages from 5-2-1986 to 30-6-1994 has been calculated to the tune of Rs. 20,279.50. The employer department has not come forward to specifically deny the particulars of the wages mentioned in the Annexure. The employer's witness has also not even doubted much less disputed the correctness of the Annexure I. Therefore, having held that the workman was entitled to be paid on pro-rata basis, pursuant to the notification dt. 23-2-88, one should have no reason to discard the claim worked out in Annexure I. In my view, the concerned workman was entitled to be paid salary equivalent to two hours duty on the basis of pay of a regular sweeper, which the department has failed to do and that too without any justification whatsoever. The contentions that the appointment was not by the competent authority or through employment exchange and that there is no sanctioned post etc. are as baseless as there could be any. If the appointment was illegal, the department was free to discontinue the concerned workman. The same was, however, not done. Having made him to work for all these years, the department cannot disown the liability to pay wages of a regular employee on pro-rata basis.

Thus, the wages of Rs.90/- per month paid to the workman was neither justified nor consistent with letter No.10-13/87-rates dated 23-2-88 of Directorate of Telecom.

10. Mr. Joshi, the Ld. Counsel had pressed for grant of interest contending that the legitimate dues of a poor sweeper are withheld for years. Mrs. Patil, the Ld. A.G.P. had submitted that the workman was only engaged on contract basis and therefore he was not a part time employee. The submission is not supported by any material. The material including the evidence of the employer department is contrary of the submissions of the Ld. A.G.P. Mrs. Patil has further submitted that the notification does not apply to the concerned workman as he was not regularly or properly appointed and this submission is also made only to be rejected.

11. I am thus inclined to grant full amount of claim in Annexure I. The said amount is for the period upto 30-6-1994. The concerned workman was required to raise dispute and fight all these years for what was legally due to him. The amount due during the relevant period is being paid to him belatedly after years. The workman is therefore perfectly justified in claiming interest. Hence, the following award.

AWARD

1. The action of the management of Telecom District Manager, Nashik in paying wages to Shri S.G.Kadam, part time sweeper, Nandgaon Telephone exchange, @ Rs. 90 p.m. is neither justified nor consistent with the letter No.10-13/87-rates dt. 23-2-1988 of Directorate of Telecom.

1. Shri S.G.Kadam is entitled to be paid difference of wages amounting to Rs. 20,279.50, alongwith interest thereon @ 10% p.a. with effect from the date of the reference order i.e. 13-7-1994.

The award be submitted to the Govt. of India.
Nashik
Date : 29-5-2001.

D. H. DESHMUKH, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2001

का.आ. 2768.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेंडेंट आफ पोस्ट आफिसों के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-2001 को प्राप्त हुआ था।

[सं. एल-40012/31/97—आईआर (डी. यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 2001

S.O. 2768.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sr. Supdt. of Post Offices and their workman, which was received by the Central Government on 17-9-2001.

[No. L-40012/31/97-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI

Mondav, the 20th August, 2001

PRESENT :

K. Karthikeyan, Presiding Officer.
Industrial Dispute No. 496/2001
(Tamil Nadu State Industrial Tribunal I.D. No. 67/98)

[In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947]

(14 of 1947), between the workman Sri A. Nagaiah and the Management of Senior Superintendent of Post Offices, Dindigul.]

BETWEEN

Sri A. Nagaiah,

I Party/Workman.

AND

The Senior Superintendent of Post Offices,
Dindigul Division,
Dindigul.

II Party/Management.

APPEARANCES :

For the Workman : M/s. S. Jothivani and V. Kasturi, Advocates.

For the Management : Sri R. Kanniappan, Addl. CGSC.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/31/97-IR(DU) dated 10-3-98.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 67/98. When the matter was pending enquiry in that Tribunal, the Government of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 496/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 05-03-2001. On receipt of notice from this Tribunal, counsel on either side present with their respective parties and prosecuted this case further.

This matter came up before me for final hearing on 14-06-2001. upon perusing the Claim Statement, Counter Statement, the other material papers on record, the documentary evidence let in on either side and upon hearing the arguments of learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

“Whether the action of the Management of the Senior Superintendent of Post Offices, Dindigul in imposing the penalty of dismissal from service which was subsequently reduced compulsory retirement by the Appellate Authority on Shri A. Nagaiah is legal and justified? If not, to what relief the workman is entitled?”

2. The averments in the Claim Statement of the I Party/Workman are briefly as follows :—

The I Party/Workman Sri A. Nagaiah (hereinafter referred to as Petitioner) was appointed as Group D employee on 15-10-1966 and was promoted as Postal Assistant in the year 1971. He was issued a charge memo dated 30-11-88 under Rule 14 of CCS (CCA) Rules, 1964 alleging that when the Petitioner was working as a Sub Postmaster, Dindigul SO during October, 1988, has prepared withdrawal forms dated 22-10-88 for Rs. 3,000 and -10-88 for Rs. 1,000 and put the signature of the depositor Smt. Vasantha of Randigudi SO, SB Account No. 207306 and kept them in the office for supporting the fictitious liabilities maintained by him. Thereby he failed to maintain absolute integrity and devotion to duty as required under Rules 3(1)(i) and (ii) of CCS (Conduct) Rules, 1964. Further, when he worked as Sub Postmaster at Thandigudi SO from October, 1980 to January, 1984, he had retained the cash in excess of the authorized limit and that on various dates showing fictitious liabilities contravening the provisions of Rule 677B of P & T Manual Vol. VI read with explanation under the Rule ibid and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 3(1)(i) and (ii) of CCS (Conduct) Rules, 1964. The Petitioner denied the charges and explained the circumstances by his representation dated 8-1-88. An enquiry was ordered and the Enquiry Officer by his report dated 30-1-85 held that the charges were proved. The Disciplinary Authority without considering the reply of the Petitioner and without going through the circumstances explained by the Petitioner simply relied on the ignorance pleaded by the Petitioner had imposed the punishment of reduction in pay to the minimum of time scale of Rs. 260—480 from Rs. 384 for two years with cumulative effect by an order dated 30-11-86. Aggrieved by that order the Petitioner preferred an appeal to the Appellate Authority. The Petitioner was issued with show cause for enhancement of punishment for which the Petitioner has submitted his explanation to the Appellate Authority. The Appellate Authority by its order dated 30-5-86 imposed the punishment of compulsory retirement from service. The Petitioner preferred a review petition and the reviewing authority by his order dated 5-6-89 rejected the petition by confirming the orders of the Appellate Authority. The impugned orders have been passed in violation of principles of natural justice and they are illegal and arbitrary. The authorities have not applied their mind while passing those orders. They have not considered the explanation given by the Petitioner and only taken into consideration the ignorance pleaded by the Petitioner. Even without admitting but assuming that the Petitioner is guilty of the charges, the authorities ought to have imposed a lesser punishment than imposing the punishment of compulsory retirement from service considering the charges alleged against the Petitioner. Then the Petitioner raised an industrial dispute before the Regional Labour Commissioner at Chennai. As he was not able to conciliate the matter between the parties, on his submission of failure of conciliation report, the Government was pleased to refer the matter for adjudication by this Tribunal. Hence, this Tri-

bunal may be pleased to hold that the action of the Respondent/Management in compulsorily retiring the Petitioner from service is unjustified and direct the Respondent/Management to reinstate the Petitioner in service with all attendant benefits.

3. The averments in the Counter Statement of the II Party/Respondent are briefly as follows :—

The Petitioner was a Central Government civil servant governed by Central Civil Services Rules, 1964 and not a workman. Hence, he is not entitled to get any relief under the Industrial Disputes Act. When the Petitioner was working as Sub Postmaster in Thandigudi Sub Post Office from October, 1983 to January 1984 has committed misconduct by preparing two withdrawal forms for Rs. 1500 dated 10th October, 1983 and for Rs. 1500 dated 22-10-93 in S.B. Account No. 207396 of Smt. Vasantha and kept them in the office for supporting the fictitious liabilities maintained by him. He kept office cash short to the tune of Rs. 4,601.45 on 31-10-84. When an enquiry was conducted for the charges levelled against the Petitioner, he has admitted the charges before the Enquiry Officer on 28-9-85. Hence, the Enquiry Officer concluded the enquiry and reported on 11-11-85 that the charges were proved beyond doubt. On the basis of the findings of the Enquiry Officer, the II Party/Management, the Sr. Superintendent of Post Offices, Dindigul Division (hereinafter referred to as the Respondent) has awarded the punishment of reducing the pay of Petitioner to the minimum of time scale of pay i.e. Rs. 384 to Rs. 260 for a period of two years with cumulative effect. The Petitioner had appealed against that order to the Director of Postal Services, Southern Region, Madurai. He issued a show cause notice on 18-2-86 and thereafter modified the punishment as compulsory retirement by his memo dated 30-5-86. The Petitioner preferred a Review Petition before the Member (Personnel), Postal Services Board, New Delhi and the same was also rejected on 5-6-89. Then he submitted a petition before the Regional Labour Commissioner for conciliation, which ended in a failure. On submission of his failure of conciliation report, the Government was pleased to refer this dispute for adjudication by this Tribunal. As the Petitioner had defrauded the public money of Rs. 4601.45, the matter was reported to the Police and a case was registered under crime No. 209/84 under Section 409 IPC and the case is still pending there at SDJM Court, Kodaikanal as cc No. 297/89. From the facts and circumstances stated it is clear that the Petitioner has not come forward with clean hands. The Respondent department has given the Petitioner reasonable opportunity in the departmental proceedings and there is no question of violation of principles of natural justice. The punishment awarded by the Respondent and the Appellate Authority is correct and according to the department rules. Hence, the Tribunal may be pleased to dismiss the petition.

4. When the matter was pending before the Tamil Nadu State Industrial Tribunal itself, the documents on either side were marked by the consent of counsel on either side as Ex. W1 to W9 and M1 to M7 and when the matter was taken up for enquiry here before this Tribunal, no further evidence either oral or documentary was let in by both the sides. The learned

counsel on either side have advanced their respective arguments.

5. The Point for my consideration is—

“Whether the action of the Management of The Senior Superintendent of Post Offices, Dindigul in imposing the penalty of dismissal from service which was subsequently reduced to compulsory retirement by the Appellate Authority on Shri A. Nagaiah is legal and justified? If not, to what relief the workman is entitled?”

Point :—

The Petitioner had worked as a Sub Postmaster in Thandigudi Post Office from October, 1983 to January, 1984. For his alleged misconduct as charges levelled against him he was issued a charge memo dated 30-11-84. The xerox copy of the same is Ex. M1. Ex. W1 is the typed copy of the said charge memo filed by the Petitioner. In pursuance of the issuance of charge memo to the Petitioner, a departmental enquiry was conducted by the Respondent/Management to enquire into the charges levelled against the Petitioner under Ex. M1. The Assistant Superintendent of Post Offices, Dindigul North Sub Division, was appointed as the Inquiring Authority to enquire into the charges levelled against the Petitioner under Ex. M1. After conducting the enquiry, he submitted his report dated 11-11-85. The xerox copy of the same is Ex. M4. During the enquiry, the Petitioner was examined and he has given evidence before the Enquiry Officer. The xerox copy of the deposition given by the Petitioner before the Enquiry Officer on 28-9-85 is Ex. M3. The xerox copy of the proceedings of the Senior Superintendent of Post Offices, Dindigul Division dated 30th November, 1985 is Ex. M2. On the submission of the report of the Enquiry Officer that the charges levelled against the Petitioner were proved the respondent has passed an order dated 30-11-86, imposing a punishment for the Petitioner by reducing his pay to the minimum of time scale of pay of Rs. 260-8-300-EB-340-10-360-12-420-EB-480 from Rs. 384 with immediate effect for two years. The type written copy of the same filed by the Petitioner is Ex. W3. The Petitioner submitted an appeal dated 30-12-85 to the Appellate Authority the Director of Postal Service, Madurai Region, Madurai. The type written copy of the same is Ex. W4. In that appeal also, he has stated that during the enquiry, he has admitted the charges unconditionally. In that appeal, the Appellate Authority has passed an order dated 30-5-86. The xerox copy of the same is Ex. M5. The Appellate Authority has mentioned in that order stating that charges are grave in nature involved in moral turpitude and the official thus deserves a severe punishment as proposed in the office memo dated 14-2-86 and has stated that he inclined to take a lenient view and accordingly ordered that the penalty be modified to that of compulsory retirement. Earlier, a memo was issued to him by the Director of Postal Services, Madurai Region dated 14-2-86 stating that the Disciplinary Authority in his final proceedings had taken a very lenient view and as per the provisions of Rule 29 of CCS (CCA) Rules, 1965 he is revising the punishment, which he feels adequate and has proposed to enhance

the punishment to dismissal from service and the Petitioner was advised to submit his written representation within 30 days from the receipt of that memo. The type written copy of the memo is Ex. W5. Ex. W6 is the type written copy of the reply submitted by the Petitioner for the memo issued to him under Ex. W5. In that reply also he has stated that he was sorry for the mistake and he realised the seriousness of his folly every day and he has done that mistake out of sheer and ignorance. He has also stated therein that he feels that he deserve deterrent punishment but dismissal is a very severe axe to fall on his neck. Considering this request the Appellate Authority has modified the proposed punishment of dismissal from service into one of compulsory retirement as mentioned in Ex. M5. Then the Petitioner took up the matter on revision before the Postal Services Board, New Delhi. The Member (Personnel), Postal Services Board by his order dated 5-6-89 has rejected the Revision Petition holding that the charges against the Petitioner involved lack of integrity and deserve deterrent punishment and that the Appellate Authority has already taken a lenient view in awarding the penalty of compulsory retirement.

7. The learned counsel for the Petitioner would argue that the Petitioner as delinquent employee has denied the charges, and on the first hearing of the domestic enquiry he has admitted the charges on persuasion of the higher authorities. The admission by the delinquent employee facing the charges levelled against him must be unequivocal. Only under undue influence and coercion of his higher authorities, he gave a confession statement before the Enquiry Officer. So, it cannot be taken as a voluntary admission of his guilt and hence it cannot be said that the charges levelled against him has been proved by his own admission. The perusal of the entire records from the beginning to the end, it is seen that the Petitioner, who is the chargesheeted employee, has not stated anywhere that he was compelled to give one such statement against his will and it is not a voluntary one and he obliged to give one such confession statement due to undue influence and coercion by the higher officials. On the other hand, in the various documents, he has categorically pleaded that he has committed the misconduct and though he deserves deterrent punishment he may be viewed leniently. So from this, it is evident that the argument advanced by learned counsel for the Petitioner here before this Tribunal is not based on the facts available in this case by way of material evidence but it is only an afterthought to mention it as a defence of the Petitioner. Apart from admitting the guilt of misconduct in writing as a statement before the Enquiry Officer, the Petitioner as chargesheeted employee has reiterated his admissions before the Disciplinary Authority, Appellate Authority and also in his mercy petition to the Revisional Authority. The Appellate Authority while dealing with the appeal has considered that the punishment imposed by the Disciplinary Authority for the proved misconduct of the Petitioner is inadequate on the basis of the findings and as the Appellate Authority he has revised the punishment and has proposed it by way of a memo to the Petitioner as dismissal from service. Later, he took a lenient view while disposing of the case and has imposed a punishment of compulsory

retirement from service instead of dismissing him from service. The same was confirmed by the Member (Personnel), Postal Services Board, New Delhi in his order passed on 5-6-89 under Ex. M6. As it is stated by the authorities in the orders, the proved misconduct of the Petitioner is very grave in nature involving moral turpitude and the said act shows lack of integrity as an employee serving in the Government Department. Therefore, the punishment imposed by the authorities for the proved misconduct of the Petitioner employee can be considered as legal and justified. Hence, the Petitioner/Workman is not entitled to any relief. Thus, the point is answered accordingly.

8. In the result, an award is passed holding that the action of the Management, the Director of Postal Services, Madurai Region, in compulsorily retiring Sri Shri A. Nagaiah from services is legal and justified. Hence, the concerned workman is not entitled to any relief. No cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 20th August, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None.

Documents Marked :

For I Party/Claimant :

Ex. No.	Date	Description
W1	30-11-84	Xerox copy of the Memo of charges.
W2	08-01-85	Xerox copy of the representation of the Petitioner to the Management.
W3	30-11-85	Xerox copy of the order issued by the Respondent.
W4	30-12-85	Xerox copy of the appeal submitted by the Petitioner.
W5	14-02-86	Xerox copy of the Appellate Order.
W6	15-03-86	Xerox copy of the appeal preferred by the Petitioner.
W7	30-05-86	Xerox copy of the Appellate Order.
W8	Nil	Xerox copy of the representation of the Petitioner to the President, GOI.
W9	05-06-89	Xerox copy of the order of the Member (Personnel), Postal Services Board.

For the II Party/Management :

Ex. No.	Date	Description
M1	30-11-84	Xerox copy of the charge sheet.
M2	30-11-85	Xerox copy of the enquiry proceedings.
M3	28-09-85	Xerox copy of the letter of admission of charge by the Petitioner before the Enquiry Officer.

- M4 11-11-85—Xerox copy of the Investigation Officer's report.
 M5 30-05-86—Xerox copy of the order of compulsory Retirement by DPS, Madurai.
 M6 05-06-89—Xerox copy of the order of the Member (Personnel), Postal Services Board.
 M7 Nil—Xerox copy of the 2A Petition.

नई दिल्ली, 19 सितम्बर, 2001

का. का. 2769.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 18 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान एरोनॉटिक्स लिमिटेड के प्रबंधन के संबंध में निम्नलिखित निर्णयों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-9-2001 को प्राप्त हुआ था।

[सं. एल-14012/69/99-आईआर (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 19th September, 2001

S.O. 2769.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Aeronautics Ltd. and their workman, which was received by the Central Government on 19-9-2001.

[No. L-14012/69/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Presiding Officer.—Rudresh Kumar.

ADJUDICATION

I.D. No. 7/2000

Ref No L-14012/69/99/IR(DU) Dt. 28-12-99

BETWEEN

Shri Saleem Agha
 C/o 549/172 Kha.
 Bura Barha
 Alambagh
 Lucknow, U.P.

AND

1. The Administrative Manager
 (Personnel Department)
 Hindustan Aeronautics Limited,
 Lucknow Division
 Barabanki Road,
 Lucknow.
2. The General Manager
 H.A.L., Lucknow Division
 Barabanki Road,
 Lucknow.

AWARD

By Order No. L-14012/69/99/IR(DU) dated 28-12-1999, in the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (i) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), referred this dispute between Shri Saleem Agha and the management of Hindustan Aeronautics Limited, Lucknow for adjudication.

The reference is produced as under :

"Whether the action of Hindustan Aeronautics Limited, Lucknow in terminating the services of Saleem Agha w.e.f. 9-4-82 is legal and justified? If not, to what relief he is entitled?"

2. The workman, Saleem Agha, admittedly, was appointed as a machinist 'B' on 4-5-1978 with the Hindustan Aeronautics Limited, Lucknow. He was confirmed in service and was treated permanent employee w.e.f. 4-11-1978. He worked continuously till 8-4-1982 to the satisfaction of the management. He fell ill and could not attend duty w.e.f. 9-4-1982, and sent an application for leave from 9-4-1982 to 23-4-1982. Since he was not fully cured so submitted another application seeking extension of leave w.e.f. 24-4-1982 to 23-5-1982 on medical ground. A medical certificate was also appended. These applications were submitted under postal certificate. After expiry of the leave he approached the management on 24-5-1982 seeking duty but, was declined and asked to contact after a week as his matter required discussion with the General Manager and other superior authorities. He continuously approached authorities but was not permitted to join duties and was illegally terminated. In the mean time his father fell ill and died on 21-4-1985. To his misfortune, his mother also died on 9-6-1986. He approached the authorities and sent a number of representations, seeking permission to join duties, but the management did not respond to his application/representation and did not permit him to join duties. The management did not send any communication before 11-12-1993 for the first time by letter dated 11-12-1993, the Account branch of the management desired to settle P.F. claims and he came to know about his termination. Thereafter, he raised industrial dispute before the U.P. Labour Court on 20-1-1994, since at that time, U.P. Labour Court enjoyed jurisdiction in such matters on reference of the state government.

3. The management did not issue show cause notice to him or intimated ever about the action taken, despite letters and reminders and passed illegal order of termination. His dispute on reference of the state government was registered at CP 20/94. An application seeking condonation of delay was also filed. The management objected and sought dismissal of claim on the ground of laches and delay of 12 years. However, the delay was condoned by order dated 12-8-1994 by the labour court. The management preferred writ petition against the said order but was not given stay order.

4. During the pendency of the case before the labour court under the U.P. Industrial Disputes Act, the Honble Supreme Court interpreted "appropriate government" in respect of Central Public Sector Undertakings under the control of Central Government to be the 'Central Government'. In light of the said decision of the Apex Court a notification was issued on 3rd July, 1998 under section 39 of the Industrial Disputes Act, 1947, delegating concurrent powers to the state government. However, in view of the decision of the Supreme Court, the U.P. labour court dismissed the case, deciding state labour courts not competent to decide industrial dispute relating to Central Public Sector Undertakings. The said decision was not on the merit. Thus, the workman raised present industrial dispute before the Assistant Labour Commissioner (Central) without loss of time and the central government referred the matter for adjudication to this Tribunal.

5. In short, the workman, has challenged legality of termination stating that he was not given any notice or was informed about fate of his applications for leave. The management simply terminated his services and struck off his name from roll despite the fact that he was a permanent employee.

6. The management has denied to have acted illegally in terminating the services of the workman. It is alleged that the workman, unauthorisedly absented from duty w.e.f. 9-4-1982. He did not file any application seeking leave, and so after 10 days of unauthorised absence, his services were terminated by order dated 6-5-1982 treating the termination w.e.f. 9-4-1982, under the standing orders applicable to the employees. The management pleaded that the workman was outside India and was gainfully employed. His applications under postal certificate were prepared falsely to give sequence to this case. The management pleaded that this industrial dispute was raised after efflux of 17 years without explaining delay. Abnormal latches of long 17 years caused prejudice to it as the concerned record were weeded out in the year 1989 depriving it to defend the case effectively. Action of termination was also justified under the provision of order 21 of the certified standing orders applicable in HAL.

7. Both the parties relied on documentary as well oral evidence on affidavits. The witnesses were also cross-examined by each other. Before the evidence is scrutinized on merit, it seems appropriate to take up the issue of delay in raising this industrial dispute. It is submitted, the workman raised the dispute in U.P. labour court which was competent to take cognizance at that time and used to decide such disputes. The labour court had condoned the delay after appreciating the facts and circumstances of the case. This order was challenged by the management in a writ petition before High Court. The order of the labour court condoning delay was not set aside and thus, this issue cannot be reopened. After rejection of his case on technical ground by the U.P. labour court, dispute was raised immediately before the Central Government agencies and the workman with all bonafides pursued its case as per the legal advice and so, there is no delay.

8. The management, on the other hand, has accessed that in industrial matter law of limitation does not

apply, but, it does not mean that the disputes should be raised so belatedly to cause prejudice to the management. In the present case, the concerned file was weeded out in 1989 and the industrial dispute was raised after 12 years in 1994. This delay was condoned by the U.P. labour court by order dated 12-8-94 which was challenged by the management before the High Court in a writ petition and the issue has not been decided in favour of the workman finally.

9. Factual base is not disputed by the contesting parties, that the workman raised industrial dispute in U.P. labour court year 1994. This is also not disputed that the U.P. labour court condoned, delay and the matter is subjudice before the High Court. Form recitals of claim and written statement it can be safely inferred that the workman was pursuing his case since 1994. There appears no delay from 29-1-94 onward, as the dispute could not be decided for reasons beyond the control of the workman. As regards delay before 29-1-94 i.e. the date of raising industrial dispute, the state labour court by order dated 12-3-94 condoned the delay and this order is subjudice before the High Court. It is not necessary and appropriate for this Tribunal to redetermine said issue or to open plea of delay, as the High Court is seized with the matter. In the said circumstances a close glance over the merit of the case is called for.

10. It is not denied that the workman was appointed and made permanent employee as machinist 'B'. He worked for more than 4 years. There was no reason for him to abandon his service, without filing any application seeking leave etc. The management has pleaded that workman went abroad for gainful employment. There is no material on record to prove this fact. Management did not verify this fact, as its witness did not say a word about this fact. Successive letters of the workman to the management on under certificate of posting, no doubt, cannot draw presumption in favour of the workman but still the action of the management in sending letter to settle claim of P.F. after eleven years remain unexplained.

11. According to the management, termination order was passed on 6-5-82 and the workman was informed. A copy of this letter in normal cause would have been sent to the Account/Finance section for clearance of dues. What caused delay of 11 years in making response by the Account/Finance branch in asking the workman to clear dues. If it be assumed that personal file of the workman was weeded out in 1989, a copy of order dt. 6-5-82 must be with finance branch, as the claim was not settled till 1993. The management could have procured this letter to file before this Tribunal.

12. It is pleaded that the services of the workman was terminated under Order 21 (b) of the certified Standing Orders. It is now a settled law that certified standing order has statutory force and must conform to Arts. 14 and 21 of the Constitution, (1993) 3 section 259 D.K. Yadav Vs. JMA Industries. Before dispensing with the services for unauthorised absence, the management was called upon to issue a show cause notice either to join by a specific date or to reply otherwise. Address of the workman was

the same till 1993, as the letter of the Account branch was sent on the said address. It appears that the management did not issue show cause notice. Also, no evidence was given on this point. Service of termination order dated 6-5-82 was also not effected. These circumstances go in favour of the workman and render the termination order dt. 6-5-82 void-ab-initio. Accordingly, the workman is entitled to reinstatement or any other appropriate relief.

13. The workman was terminated about 19 years back. During all these years, he remained out of employment. HAL is a specialised agency requiring upgradation of technology. Reinstatement of the workman after such a long time would not serve useful purpose. He may be compensated by a lump sum compensation. At the time of termination he was not drawing Rs. 700 per month. For 12 years he did not raise industrial dispute for personal reasons as given in the claim statement i.e. his family circumstances, death of parents and his being mentally upset, and so is not entitled to back wages for this period. Taking into consideration remaining period of this service, a lump sum compensation for Rs. 3,00,000 (Three lakhs) only will be just and proper towards full and final settlement of his claim.

14. Thus, instead of reinstatement, the workman, is awarded lump sum compensation for Rs. 3,00,000 (Three Lakhs) only. He will be entitled to 12 per cent interest, in case above amount is not paid in three months after publication of the award.

15. Award accordingly.

Lucknow.

Dt. 12-9-2001.

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 19 सितम्बर, 2001

का.आ. 2770.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई, के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 19-9-2001 को प्राप्त हुआ था।

[स. एल-40012/121/96—आईआर (डोयू)]
कुलदाय राय वर्मा, डेस्क अधिकारी

New Delhi, the 19th September, 2001

S.O. 2770.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 19-9-2001.

[No. I-40012/121/96-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 21st August, 2001,

PRESENT :

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 436/2001

(Tamil Nadu State Industrial Tribunal I.D.
No. 45/97)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri K. Dharmalingam and the Management of Chennai Telephones, Chennai).

BETWEEN

Sri K. Dharmalingam : 1 Party/Workman

AND

1. The Chief General Manager, : II Party/
Management,
Chennai Telephones,
Chennai.

2. The Divisional Engineer,
Chennai Telephones,
Chennai.

APPEARANCE :

For the Workman : Sri S. Kumaraswamy
Authorised Representative

For the Management : Sri. S. Srinivasan, Addl.
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/121/96-IR(DU) dated 9-7-97.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 45/97. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 436/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 27-2-2001. On receipt of notice from this Tribunal, counsel on either side present with their respective parties and prosecuted this case further.

This matter came up before me for final hearing on 13-6-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on

either side and upon hearing the arguments of learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the Management of Madras Telephones, Madras-10, in terminating Shri K. Dharmalingam, Mazdoor, Anna Road Telephone Exchange Departmental Canteen, Madras from 23-2-95 is justified or not? If not, to what relief Shri K. Dharmalingam is entitled for?”

2. The averments in the Claim Statement of the I Party/Workmen are briefly as follows:—

The I Party/Workman Sri K. Dharmalingam (hereinafter referred to as Petitioner) was working in the Departmental Canteen of Respondent Madras Telephone Exchange at Anna Road from 5-5-83 as a mazdoor. Later, he was given wages as temporary status mazdoor with other facilities and an order was issued on 28-8-92 to treat him as temporary status casual labour w.e.f. 1-9-93. In that order itself, it was recommended to grant him temporary status. The Petitioner worked for 240 days in 1983, 360 days in 1984, 352 days in 1985, 351 days in 1986, 361 days in 1987, 272 days in 1988, 356 days in 1989, 364 days in 1990, and 365 days in 1991 and upto 23-2-1995. He was attending the work of coffee/tea making, vegetable cutting, grinding and cooking work in the canteen. He had a break in service for two months in the year 1988. The Petitioner was retrenched from service w.e.f. 23-2-1995 giving the reason as non-availability of work. There is no reduction in volume of work and even after his termination all the work done by the Petitioner had continued in the canteen. The Petitioner was paid wages every month at the rate of Rs. 68/85 per day. The termination of the Petitioner from service is contrary to Section 25F of Industrial Dispute Act, 1947. It is unjust and illegal. The appeal filed by the Petitioner dated 30-1-95 ended in failure. He filed O.A. 201/95 before the Central Administrative Tribunal in Madras, challenging the order of termination. But it is dismissed on 16-2-95 on the ground that the Petitioner can raise an industrial dispute. Hence, the Petitioner filed a petition under section 2A before the conciliation officer. In the Counter Statement filed by the Respondent before the conciliation officer admitted the employment details. They did not deny the non-employment of the Petitioner. Hence the Tribunal may be pleased to pass an award holding the non-employment of the Petitioner as not justified and direct the Respondent to reinstate the Petitioner in service with back wages and other attendant benefits.

3. The averments in the Counter Statement of the Respondent are briefly as follows :—

The Petitioner was engaged in the canteen maintained by the local canteen management committee. His services were not utilized for having on any departmental work such as operation and maintenance of telecom work. His wages were paid out of the

sale proceeds of the canteen which was run on no profit no loss basis. The Petitioner was given temporary status w.e.f. 1-9-92 by mistake. The engagement of the Petitioner by the Management Committee of the Committee was purely on local arrangement and for temporary work in the canteen. Hence, the Petitioner is not entitled to any claim on the basis of the conferment of the temporary status by mistake. Temporary status can be conferred only on workers who were engaged as casual labourers and they performed works relating to operation and maintenance of telecom network. The Petitioner was discharged from service as per the order dated 30-3-85 which bans the engagement of casual labourers after 30-3-85. The Petitioner is not entitled to claim either reinstatement in service or other consequential benefits. Hence, the Petition may be dismissed.

4. When the matter was pending before the Tamil Nadu State Industrial Tribunal and came up for enquiry there the Petitioner had examined himself as WW1 and his documents were marked as Ex. W1 to W10. From the side of the Respondent six documents were marked as Ex. M1 to M6. On transfer of this case to the file of this Court, when it was taken up for enquiry, one witness was examined as MW1 and the counsel on record on either side, have advanced their respective arguments.

5. The Point for my consideration is—

“Whether the action of the Management of Madras Telephones, Madras-10, in terminating Shri K. Dharmalingam, Mazdoor, Anna Road Telephone Exchange Departmental Canteen, Madras from 23-2-95 is justified or not? If not, to what relief Shri K. Dharmalingam is entitled for?”

Point :—The Petitioner Sri K. Dharmalingam was working as the mazdoor in the departmental canteen at Anna Road Telephone Exchange at Madras. It is a clear averment of the Petitioner in his Claim Statement that he was paid wages every month at the rate of Rs. 68/85 per day. It is not his case in the Claim Statement that he was paid monthly salary by the Respondent. The Petitioner himself has stated in the Claim Statement that he was attending the work on a departmental canteen as a worker attending the Canteen related jobs and it is not his case that he was ever attending the work in the Respondent Madras Telephone Department relating to operation and maintenance of telecom work. It is clearly averred in the Respondent's Counter that temporary status to the casual mazdoor can be conferred only on workers who are engaged as casual labourer and were performed works relating to operation and maintenance of telecom network and the Petitioner was engaged as a casual worker only in the Canteen of Anna Road Telephone Exchange maintained by the local Management Committee and the conferment of temporary status on the Petitioner with effect from 1-9-92 itself is a mistake and the Petitioner is not entitled to any claim on the basis of it. These averments in the Counter Statement have not been disputed by the Petitioner by his reply statement. Contrary to his averment in the Claim Statement Petitioner as WW1 had deposed that it is incorrect to state that he was given only daily wages but he was given monthly salary, or this he has not filed any

documentary supportive evidence. He has admitted in his evidence that he had not done any work concerning telephone exchange maintenance. So from this it is seen that the Petitioner was employed as a casual labourer to work in the departmental Canteen maintained by the Canteen Management Committee. It is the contention of the Respondent/Management that the Petitioner was conferred temporary status as per the scheme by mistake and he is not entitled to any claim on the basis of it. It is the definite case of the Petitioner that he was engaged by the departmental Canteen as a casual labourer from 5-5-1983. Ex. M1 is the xerox copy of the circular dated 7-11-1989 of the Department of Telecommunication. (Casual labourers' grant of temporary status and regularization scheme has been sent along with that circular as annexure). In that circular under para 3.3 it is stated that no casual labourer who has been recruited after 30-3-85 should be granted temporary status without specific approval from his office. Further in the scheme mentioned as annexure to the letter, it is stated that the scheme is applicable to only casual labourers of any type of work in Telecom Circles-Districts engaged in projects and electrification circuits only for specific works and on completion of the work such casual labourers were required to be retrenched. So, from this, it is seen that the said conferment of temporary status to the casual labourers is applicable only to workmen employed as casual labourers for the work such as operation and maintenance of telecom network. So under such circumstances, the conferment of temporary status to the Petitioner as a casual labourer who is engaged for the work in the departmental canteen is a mistaken action of the department, as it is mentioned in the Counter. So, as rightly contended by the Respondent, the Petitioner cannot take advantage of that mistake committed by the departmental and claim any benefit of it.

6. The xerox copy of that mistaken order dated 28-8-93 passed by the departmental is Ex. W2. Ex. W3 is the xerox copy of the letter dated 18-1-95 sent by Divisional Engineer, Madras Telephones to one Mr. T. E. Krishnasamy with regard to decasualisation of temporary status mazdoor Sri K. Dharmalingam, the Petitioner herein. Accordingly, an order has been passed discharging the Petitioner from works. It is dated 23-1-95. A xerox copy of the same is Ex. W4. As per that order, the Petitioner was non-employed on 23-2-95. That is being questioned by the Petitioner in this dispute. Reason has been given in that letter stating that due to non-availability of work, he was discharged. In that letter itself, the copy has been marked to the Accounts Officer, P&A. (c) Madras, with a requisition to settle the accounts of the concerned casual labourer at an early date. In Ex. W4 order, it is stated that the concerned workman has to be discharged as per the provisions of Industrial Disputes Act, 1947 by giving one month's notice with effect from the date of issue of that letter. Earlier, the Petitioner had filed an A. No. 201/95 before the Central Administrative Tribunal, Madras, and the same was dismissed on 16-2-95. While dismissing the application, the Central Administrative Tribunal, Madras, directed the Petitioner to file an application before the Tribunal seeking remedy against the impugned order. Accord-

dingly, the Petitioner has filed this Claim Petition here. In the Claim Petition itself, the Petitioner has stated that his termination is contrary to Section 25F of the Industrial Disputes Act, 1947. In the order passed by the Respondent under Ex. W4, it is stated that the Petitioner has to be discharged under Industrial Disputes Act. As per section 25F of the Industrial Disputes Act, pre-conditions, for retrenchment are one month's notice has to be given in writing indicating the reasons for retrenchment and the workman be paid compensation at the time of retrenchment and a notice also to be served on him in the prescribed manner. Though under Ex. W4 one month's notice has been given and an instruction has been given to the Accounts Officer to settle the accounts of the Petitioner, nothing has been stated in the Counter of the Respondent or in the evidence of MW1 that compensation as per Section 25F has been given to the Petitioner at the time of retrenchment from service. Further, no evidence either oral or documentary is available on the side of the Respondent that the amounts due to the Petitioner at the time of retrenchment has duly paid by the Accounts Officer, Madras, as per the requisition in Ex. W4. From this it is seen that the condition precedent to retrenchment for workman mentioned under section 25F of the Industrial Disputes Act has not been complied with by the Respondent. The non-payment of retrenchment compensation with the notice of termination amounts to an invalid one. Though it is stated in that petition, that the Petitioner started working from 5-5-83 nothing has been stated in the Claim Statement as well as the evidence of Petitioner as WW1 as to how he was appointed in the canteen as a casual labourer. It is not the case of the Petitioner that he was appointed as a casual labourer by the Respondent as per the Recruitment Rules. From the admitted evidence in this case, the Petitioner was employed as a casual labourer in the Canteen related job and his wages were paid by the Canteen Management Committee and not by the Department of Telephones. From the materials available in this case, it is seen that it is purely a local arrangement for temporary work in the Canteen. It is stated in the Counter Statement that the wages for the Petitioner was paid out of the sale proceeds of the Canteen and it is not disputed by the Petitioner by way of any reply statement or when he gives evidence as WW1. Further it is seen from the records that as per the instructions of the Department of Telecommunication he was discharged from service. No evidence is available on record, on the side of the Petitioner, that subsequent to his retrenchment any further recruitment has been made by the department. So, under such circumstances it is held that the action of the Management in retrenching the Petitioner from service which is not in accordance with the Section 25F of the Industrial Disputes Act, 1947 and is not a justified one. Thus, the point is answered accordingly.

7. In the result, an award is passed holding that the action of the Management of Madras Telephones, Madras in terminating Sri K. Dharmalingam, Mazdoor Anna Road Telephone Exchange Department Canteen, Madras from 23-2-95 is not justified, since it is not in accordance with the Section 25F of the Industrial Disputes Act, 1947. Hence, the II Party/Management is directed to give the Petitioner Sri K. Dharmalingam

lingam retrenchment compensation of Rs. 1,50,000 (Rupees One lakh fifty thousand only) within three months from this date, failing which the said amount shall be paid with 12% (Twelve per cent) interest per annum from this date till the date of payment. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 21st August, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined:

For I Party/Workman :
WW1—Sri K. Dharmalingam.

For II Party/Management:
MW1—Shri K. Sethuganesan.

DOCUMENTS MARKED:

For I Party/Workman :

- | Ex. No. | Date | Description |
|---------|---------|--|
| W1 | 7-5-84 | Xerox copy of the minutes of Managing Committee Meeting. |
| W2 | 28-8-92 | Xerox copy of the letter from Management To Assistant Engineer (Internal) I. |
| W3 | 18-1-95 | Xerox copy of the letter from Management To Sri T. E. Krishnaswamy. |
| W4 | 23-1-95 | Xerox copy of letter from Management To the Petitioner. |
| W5 | 30-1-95 | Xerox copy of the letter from Petitioner to The Management. |
| W6 | 14-2-95 | Xerox copy of the letter from Management To the Traffic Superintendent. |
| W7 | 23-3-95 | Xerox copy of the 2A Petition. |
| W8 | 1-5-96 | Xerox copy of the letter from the Management to the Sub Divisional Engineer. |
| W9 | 23-2-95 | Xerox copy of the minutes of joint discussion. |
| W10 | 22-6-96 | Xerox copy of the letter from the Management to Assistant Labour Commissioner (Central). |

For the II Party/Management:

- | Ex. No. | Date | Description |
|---------|---------|--|
| M1 | 7-11-89 | Xerox copy of the letter from Assistant Director General (STN) to Chief General Manager. |
| M2 | Nil | Xerox copy of the Annexure I regarding Casual Labourers Scheme. |
| M3 | 30-3-85 | Xerox copy of the letter from Sri S. Krishnan, Director to all Heads of Telecom Circle and All Heads of other Administrative Offices regarding casual labour engagement. |

M4 16-2-95—Xerox copy of the order of Central Administrative Tribunal in O.A. No. 201/95.

M5 23-1-95—Xerox copy of the letter from the Management To the Petitioner.

M6 22-1-94—Xerox copy of the particulars showing number of Days the Petitioner worked-monthwise.

Presiding Officer.

नई दिल्ली, 19 सितम्बर, 2001

का.प्र. 2771.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आर्मेनापिकल सर्वे ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-9-2001 को प्राप्त हुआ था।

[सं. एल-42012/200/98-आईआर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 19th September, 2001

S.O. 2771.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman, which was received by the Central Government on 19-9-2001.

[No. L-42012/200/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS, (Sr. Branch), Presiding Officer, C.G.I.T.-cum-Labour Court, Bhubaneswar.

Tr. Industrial Dispute Case No. 199/2001
Date of Conclusion of the Hearing—9-8-2001
Date of Passing Award—7th September, 2001

BETWEEN

The Management of
Archaeological Survey of India,
Horticulture Division No. 4,
Lewis Road, Near Ravi Talkies,
Bhubaneswar, Dist. Khurda.

...1st Party—Management.

AND

Their Workman, Shri Hrusikesh Bhoi,
At Palaspur, P.O. Itipur, Old Town,
Bhubaneswar, Dist. Khurda.

2nd Party---Workman.

APPEARANCES :

Mr. Sunakar Pradhan, Foreman, Horticulture
Division No. IV, Bhubaneswar---For the
1st Party---Management.

Shri Hrusikesh Bhoi---For himself-Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following disputes for adjudication vide their Order No. L-42012/200/98/IR(DU), dated 24/28-12-1998 :—

“Whether the action of the Management of Archaeological Survey of India in refusing to engage Shri Hrusikesh Bhoi is legal and justified? If not, what relief the Workman is entitled to?”

2. Shri Hrusikesh Bhoi, (hereinafter called as the 2nd Party) in his Claim Statement has stated his case which runs thus :—

He was working as a NMR Gardner under the 1st Party—Management with effect from 1-3-1984. He has worked till 20-2-1996. He was getting a sum of Rs. 1,455 per month. He performed his duties to the best satisfaction of the 1st Party—Management. But due to his bad luck after rendering nearly two years of continuous employment he was refused employment. He along with other 29 Co-workmen have filed a case before the Central Administrative Tribunal, Cuttack, for their regularisation. His grievance is that he was refused employment with effect from 21-2-1996 along with others without compliance of Section 25(F)(A)(B), 25-G and 25-H of the Industrial Dispute Act. According to him the last come first go principle was not followed. He has further stated that 20 juniors were given employment and his case has been over-looked. According to him the gradation list prepared by the Management was defective and was made without application of mind. The Workman has challenged his removal from service and has claimed re-instatement with back wages and other service benefits with effect from 21-2-1996.

3. The Management in their Written Statement have challenged the averments made in the Claim Statements. It is pleaded that the Workman was a seasonal casual worker. His engagement was being required on the availability of the works in different gardens. It has been further pleaded by the Management that the workman has not completed 240 days continuous work in a year. The further case of the Management is that as per the direction of the Central Administrative Tribunal a gradation list was prepared in respect of the Workman and the name of the Workman was placed in the bottom of the said list. The employment

has been given to the senior persons in the list. According to the Management, there is no violation of provisions of Industrial Dispute Act as pleaded by the Workman. The Management has also denied that he has completed 240 days of continuous work.

4. On the above pleadings of the parties the following issues have been settled :—

I. Whether the action of the Management of Archaeological Survey of India in refusing to engage Shri Hrusikesh Bhoi is legal and justified?

II. If not, what relief the workman is entitled to?

5. The Workman had raised an Industrial Dispute before the Assistant Labour Commissioner (Central), Bhubaneswar. As the case was pending before the Central Administrative Tribunal, the Asst. Labour Commissioner, refused for taking any action so the workman moved the Hon'ble High Court of Orissa in O.J.C. 3703/98 wherein the direction was given to re-consider the matter and in compliance of the said direction re-conciliation was resumed and on failure of the same the present reference has been made.

FINDINGS

Issue No. 1 :

6. Two witnesses have been examined on behalf of the Workman. The Witness No. 1 is the Workman himself and the Witness No. 2 is his friend. The Workman has stated on oath that he was engaged under the 1st Party—Management from 1-3-1984 to 20-2-1996 and was getting a sum of Rs. 1,555 per month and on 21-2-1996 his services was terminated without notice or without any compensation. Witness No. 2 has stated he knows the Workman and he was working under the 1st Party—Management from 1-3-1984 to 20-2-1996. No oral evidence appears to have been adduced on behalf of the Management, but a document has been exhibited in this case as Ext. A on behalf of the Management showing the days worked by the Workman.

7. A number of references have been made to this Tribunal for different workmen. Out of those references some has been disposed of and some are pending. During course of argument same type of submission was made. This Court has disposed of Tr. I.D. Case No. 196/2001 on 2nd August, 2001 of similar matter. It would be appeared that this Workman and some others moved the Central Administrative Tribunal for their regularisation. Direction has been given to prepare a seniority list and for engagement of seniors. This Workman like other Workmen have challenged the seniority list prepared by the Management but failed to produce any evidence for its correction. If the Workman was aggrieved that the gradation list was not prepared according to the direction of the Hon'ble Central Administrative Tribunal, he could have challenged the same but without doing so he remained absent. Ext. A, which was exhibited by the 1st Party—Management also discloses that no where he was completed 240 days. The stand taken by the Management is that the engagement of the workman is casual in nature depending upon the availability of the work appears to be

reasonable in absence of any rebuttal evidence in this regard. So, I am of the opinion that the engagement of the workman being casual in nature depending upon the availability of the work he has got no right for notice or compensation before termination as required under section 25(F) of Industrial Dispute Act. While submitting the argument the case of Air India Limited, Versus Dharmender Kumar, reported in 2000(87)FLR 654, the case of M/s. Scooter India Ltd. Versus M. Mohammad Yaqub reported in 2001 LAB.I.C. 71 and the case of Samishta Dube Versus City Board & Another reported in 1999 I.L.R. 460, were brought to the notice of this Tribunal in support of their case. In my opinion, the facts of the cases stated above are quite different from the facts of the present case. In Samishta Dube's case it was held that principle of first come last go should be adhered to in the matter of retrenchment.

8. In this case, the workman has failed to prove that he was senior but his case was over-looked and his juniors were considered. The workman has failed to produce any materials that, there was sanctioned post against whom he was engaged. So daily wage employees who were appointed on the basis of need of work cannot claim for regularisation and their termination is not retrenchment.

9. After consideration of the materials available in the record I am of the opinion that refusal of employment to the 2nd Party—Workman by the 1st Party—Management is neither illegal nor unjustified. Hence this Issue is answered in favour of the Management.

10. In view of my above findings in respect of Issue No. 1, I hold no relief is admissible to the 2nd Party—Workman. Shri Hrusikesh Bhoi.

11. Reference is answered accordingly.
Dictated & Corrected by me.

Sd/-

Presiding Officer.
C.G.I.T.-cum-L.C.,
Bhubaneswar.

S. K. DHAL, Presiding Officer

नई दिल्ली, 19 सितम्बर, 2001

का.आ. 2772—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार कमाऊं रेजीमेंट सेंटर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अन्वय में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-9-2001 को प्राप्त हुआ था।

[सं. एल-14012/120/98-आईआर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 19th September, 2001

S.O. 2772.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-

Labour Court, Lucknow, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kumaon Regiment Centre and their workman, which was received by the Central Government on 19-9-2001.

[No. L-14012/120/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE
BEFORE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, LUCKNOW

Presiding Officer.—Rudresh Kumar.

ADJUDICATION

I.D. No. 125/2000(103/99 Kanpur)

Ref. No. L-14012-120/98/IR(DU) dt. 26-4-99

BETWEEN

Shri Rajinder Kumar,
S/o Shri Mithan Lal,
Kushpur (Lalkurti) Bazar,
(District Almora),
Ranikhet-263601.

AND

Account Officer,
Kumaon Regiment Kendra,
The Kumaon Regimental Centre,
Ranikhet-263645.

AWARD

By Order No. 14012/120/98-IR(DU) dated 26-4-99, in the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Rajinder Kumar S/o Shri Mithan Lal and the Account Officer, Kumaon Regiment Centre, Wool and Shawl Factory, Ranikhet for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, Kanpur and later transferred to this Tribunal. The reference is produced as under :

“Whether the action of the management of Kumaon Regiment Centre, Wool & Shawl Factory, Ranikhet in terminating the services of Sh. Rajinder Kumar, ex-temporary Mali is legal and justified? If not, to what relief he is entitled?”

3. Rajinder Kumar, the workman, claims to have been appointed on the post of gardner (Mali) in July, 1988, with Kumaon Regimental Centre, Ranikhet. He was not given full wages like regular employees though was required to work full day. He was paid less emoluments, even below the prescribed minimum under the Minimum Wages Act. However, his emoluments were increased from time to time and on the date of termination i.e. 4-8-97 he was drawing Rs. 800 per month. The workman further claims that there were eight posts of permanent gardeners in the management's establishment, out of which two posts were in SC/ST quota. Despite vacancies on the regular sanctioned posts, he was

denied regular appointment and was engaged as a temporary employee. He worked from July, 88 to July, 97 with all satisfaction to the management but, the management, abruptly terminated his services on the plea of his work being unsatisfactory. He worked with all sincerity and honesty during his tenure and during his service tenure, no adverse comments were communicated to him. The cryptic order of termination did not give any reason except alleging that his services were found unsatisfactory. He was not given opportunity to substantiate his versions and to cross examine, the management's witness. Reinstatement with full back wages, is, thus sought as relief in this dispute raised by the workman.

4. Elaborating further, the workman has alleged that a show cause notice was given to him on 2-7-97, stating that he was absent from duty from 11-6-97 to 17-6-97 i.e. for 7 days and also from 22-6-97 to 1-7-97 for 10 days in Woolen factory. It is also stated that he was absent from 11-6-97 to 1-7-97 i.e. for 21 days in the Shawl factory. He replied the said show cause notice on 4-7-97, explaining that he was on duty from 11-6-97 to 17-6-97 at the bungalow of the Commander called "Kumaon House" as per instruction of the Deputy Commandant and Head Mali. He also explained that, he was sick from 22-6-97 to 1-7-97 and was on medical leave. A medical leave certificate was also enclosed. The management without considering this reply/explanation terminated his services by order dated 4-8-97. The workman has further explained that the Deputy Commanding Officer, V. K. Mahara and Head Mali, Umesh Singh were fully aware about his duties at "Kumaon House" where the new Commanding Officer, Shri U. K. Dubey was to join shortly. The case of the workman in short, is, that from July, 88 to 4-8-97 he worked against vacant permanent post and should have been regularised long back. His termination without an enquiry was neither justified nor legal. Some juniors to him viz. Kushal Singh is still working. He has also demanded minimum wages for the period he worked with the opposite party employer.

5. The opposite party viz. the management of the Kumaon Regimental Centre, Ranikhet has filed written statement through the Account Officer of the Kumaon Regiment Kendra. In short, the case of the management, is that the workman was a part-time employee and so, he is not a workman under section 2 (S) of the Industrial Disputes Act, 1947. It is also pleaded that Kumaon Regimental Centre, Woolens and Ranikhet Tweed & Shawl Factory are welfare projects for benefits of Ex-servicemen, War-Widows and their dependents. Such weavers are paid weaving charges based on the output of work. The object of the opposite party employer is to undertake welfare measures and, so, it is not an industry as defined under Section 2(J) of the Industrial Disputes Act, 1947. On the facts, also, the management justified its action by stating that the workman unauthorisedly absented and so his services were terminated after show cause notice and on consideration of his reply. There is no illegality in his termination.

6. It is evident from the materials on record that the Kumaon Regimental Centre Woolen and Shawl

Factory, though established for welfare object to provide benefits to Ex-servicemen and their families but it is involved in commercial activities by selling shawls and other woolen materials to public at large. To hold an establishment, an 'industry' as defined under Section 2(J) of the Industrial Disputes Act, 1947, it is not necessary to take into consideration motive of profit. The Kumaon Regimental Centre Woolen and Shawl Factory is thus, an industry under section 2(J) of the Industrial Disputes Act, 1947. Likewise, there is no material on record except the averments in the written statement and affidavit that the workman was engaged as part time worker. All the documents relied by the management, refers Rajinder Kumar as a Mali. Reference may be had of the document no. 1 viz. Absent report dated 1-7-1997 which clearly mentions that Mali Rajinder Kumar of Ranikhet Tweed & Shawl Factory is absent from duty w.e.f. 11-6-1997 to date i.e. 1-7-97. Even the Absent report submitted by manager G.V. Joshi, honorary Cpt./Manager KRC Woolen Factory mentioned Rajinder Kumar, as Mali. The show cause notice dated 2-7-1997 does not mention the workman to be a part time Mali but refers him as a Mali for short duration. The order of Lt. Col., I.V. Thomas No. 200602/18/PRI Ranikhet dated 4-8-1997 mentions that the services of workman as Mali is being dispensed with on the ground of being unsatisfactory (Ex. M-3). It is appropriate to take notice that the word part time Mali appears to have been introduced only in post termination period, especially, after raising the dispute before Assistant Labour Commissioner (Central). The management failed to show that there existed any post of part time Mali (gardener). Though, the number of post of regular gardeners are disputed but the management failed to specify as who were the regular gardeners filled the vacancies from 1988 onward. It gives inference that the workman was engaged against the regular vacancies. The question of payment of less salary is not covered by the scope of reference and no adjudication is required on the said point.

7. The impugned punitive termination made on the basis of a summary enquiry which started on the basis of absence reports submitted by the manager of Ranikhet Tweed and Shawl Factory and honorary Cpt./Manager, KRC Woolen Factory. On the basis of such reports, a show cause notice (Ex. M-2) was given to the workman on 2-7-97 by the Lt. Col. I.V. Thomas, Account Officer on behalf of the Commandant. There is no material on record to suggest that the Commandant had directed issuance of the show cause notice or had perused absence reports. The power of initiating action rested with the Commandant and not to the Account Officer. The reply of show cause notice was given by the workman on 4-7-97. In his reply he explained about his duties from 11-6-97 to 17-6-97 at Kumaon House, the official residence of the Commandant. He also explained his absence on plea of his illness and appended a medical certificate issued by Dr. U. C. Pandey which is dated 22-6-97. There is nothing on the record to indicate that the manager or the Lt. Col. I.V. Thomas enquired from the Head Mali or the Deputy Commandant about the duty assigned to the workman from 11-6-97 to 17-6-97 and further verified the fact of illness. There is no categorical finding on any of these issues. The management did

not produce records to substantiate that any formal informal enquiry was made and records were maintained therefor. The order of the Lt. Col. I.V. Thomas Account Officer, had been filed by the management which recommended that the services of the workman be terminated w.e.f. 1-7-97 and this recommendation was approved by the Commandant. This letter mentions that his reply dated 4-7-97 was not found satisfactory but, his services were terminated by letter dated 4-8-97, which mentions that his work was unsatisfactory. There is much difference in the two words i.e. the explanation being unsatisfactory and the work being unsatisfactory. The approval order dated 2-8-97 mentions that the services be terminated retrospectively from 1-7-97; but no such inference can be drawn from letter dated 4-8-97, implying termination w.e.f. 4-8-97 with prospective effect. The termination of the workman on the face of it was punitive. He had worked for about 10 years and was terminated without recording any specific finding as what weighed in the mind of enquiry officer or Disciplinary Authority to say that he was not on duty at Kumaon House without enquiring from the Deputy Commandant and Head Mali. Likewise, there is no material to draw inference that he was not sick or the medical certificate was false.

8. In totality of the facts and circumstances, the action of the management in terminating the services of Ranjinder Kumar was not legal and justified. He is entitled to reinstatement with full back wages.

9. Award accordingly.

LUCKNOW,

Dt. 10-9-2001.

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 24 फरवरी, 2000

का.आ. 2773.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.एम. पी. डी. आई. के प्रबंधन के संवद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-2000 को प्राप्त हुआ था।

[सं. एल-22012/280/95-आई आर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th February, 2000

S.O. 2773.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CMPDI and their workman, which was received by the Central Government on the 24th January, 2000.

[No. L-22012/280/95-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, ORISSA,
BHUBANESWAR

PRESENT :

Shri H. Mohapatra, O.S.J.S. (Sr. Branch),
Presiding Officer, Industrial Tribunal,
Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 69 OF 1997
(CENTRAL)

Dated, Bhubaneswar, the 13th January, 2000

BETWEEN

The Regional Sales Manager,
Regional Sales Office (CIL),
2/36, I.R.C. Village, Bhubaneswar.

...First Party-
management.

AND

The Branch Secretary,
National Coal Organisation—
Employees Association,
C/o CMPDI, RI-VII, Gruha Nirman Bhawan,
Bhubaneswar.

...Second party-
workman.

APPEARANCES :

NONE—For both the parties.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers U/s. 10(1)(d) and Section 10(2A) of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their order No. L-22012/280/95-IR(C-II) dated 18-9-1997.

"Whether the action of the management of Regional Sales Office (CIL), Bhubaneswar in not regularising the services of Sh. Ganesh Chandra Nayak, Casual Sweeper, is legal and justified? If not, to what relief is the workman entitled and from which date?"

2. In this case neither the second party nor the first party have filed their respective claim statement and written statement. Both the parties have also not taken any steps in the matter. From the conduct of the parties it can reasonably be inferred that they are no more interested to contest the proceeding perhaps for the reason that the dispute has been settled between them amicably out of the Court. In the circumstance, a no dispute Award is passed in so far as the present reference is concerned.

Dictated and corrected by me.

H. MOHAPATRA, Presiding Officer

नई दिल्ली, 24 सितम्बर, 2001

का.आ. 2774.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. सी. एल. के प्रबंधन के संवद्ध नियोजकों और

उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-2001 को प्राप्त हुआ था।

[सं. एल-22012/490/96-आई आर (गो-11)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th September, 2001

S.O. 2774.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MCL and their workman, which was received by the Central Government on 21st September, 2001.

[No. L-22012/490/96-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 130/2001
Date of conclusion of hearing 8th August, 2001
Date of Passing Award—7th September, 2001

BETWEEN

The Management of the Chief General Manager,
Talcher Area of M.C.L.,
P.O. Dera Colliery, Dist. Angul.
... 1st Party—Management.

AND

Their Workman, Shri Amin Garnaik,
Represented through the General Secretary,
Talcher Coal Mines Employees Union,
PO/PS Talcher,
District Angul.

... 2nd Party—Union.

APPEARANCES :

Shri A. K. Parija, Personnel Manager, Talcher
Area of M.C.L.—For the 1st Party—Management.

None—For the 2nd Party—Union.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have re-

ferred the following dispute for adjudication vide their Order No. L-22012/490/96-IR(C-II), dated 12-9-1997 :—

“Whether the action of the Management of Talcher Colliery of M.C.L., Talcher, in dismissing Shri Amin Garnaik, Loader, from service is legal and justified? If not, to what relief is the workman entitled and from which date?”

2. The case of the 2nd Party—Union is that he was appointed as a land looser on 15-7-1987 under the 1st Party—Management. As he was physically weak from the beginning in his employment he requested the Management for allotment of Cat-I/ Daily rated work. But his request was not considered. On 24-7-1990 he got electric shock while he was working in the mine. So he frequently remained absent from duty. In the year 1992 also he was under treatment as he was not recovered. He again remained under treatment till 2-2-1993 to 12-3-1994. For his absence he was charge-sheeted for habitual absence from duty without sufficient cause. A Domestic Enquiry was made but the Enquiry Officer did not take cognizance of the medical certificate produced by him. According to him the enquiry was conducted mechanically with mala fide intention to victimize him. His prayer is that the order passed by the Management in dismissing him is illegal, and he should be paid his back wages from 20-10-1994. He raised a dispute before the Asst. Labour Commissioner (Central) and as the reconciliation failed the above reference has been made.

3. The 1st Party—Management has filed his Written Statement wherein they have stated that the Workman was appointed as a Loader on 15-7-1987 at Talcher Colliery, presently under Talcher area of M.C.L. During his service period he was in habit of absenting from duty, of and on without permission from the competent authority. He was warned in writing several times to refrain from the habit of unauthorised absence. He remained absent for two years without permission for which he was charge-sheeted. Departmental Enquiry was made as per the provisions of the certified Standing order. The Workman attended the enquiry. The Enquiry Officer has submitted his report: As the charges levelled against the Workman were proved the order of dismissal was passed by the competent authority.

4. On above pleadings of the parties the following issues have been settled.

I. Whether the action of the Management of Talcher Colliery of Talcher Area of M.C.L. in dismissing Shri Amin Garnaik, Loader, from service is legal and justified?

II. If not, to what relief the Workman is entitled and from which date?

FINDINGS

Issue No. I :

5. After settlement of Issue i.e. from 30-11-1999 the 2nd Party—Union is not taking any step. The case was adjourned from time to time for the evidence of the Workman. But the Union failed to adduce any oral evidence.

6. The dispute has been raised at the instance of the Union. In the Claim Statement the Workman has averred that, he was under treatment for which he remained absent, and that the Departmental Enquiry contemplated against him was a mechanical one and it was done with malafide intention to victimize him. So the onus lies on the 2nd Party—Union to prove this either through oral or documentary evidence. But the 2nd Party—Union has failed to adduce any oral evidence or exhibited any documents in support of his case. In the other hand, the documents filed on behalf of the Management supports their stand.

7. In absence of any oral or documentary evidence from the side of the 2nd Party—Workman it cannot be said that the contents made in the Claim Statements is true and correct. As I have stated earlier it is the duty of the 2nd Party—Union to examine the Workman or any witness in support of their case and to produce their documents to satisfy the Tribunal that his absence was not wilful and the enquiry made was a mechanical one and it was done with malafide intention.

9. In absence of any materials before this Tribunal from the side of the Workman it can not be said that the action of the 1st Party—Management in dismissing the Workman from the service is illegal and unjustified. Hence, this Issue is answered in favour of the 1st Party—Management.

10. In view of my above findings in respect of Issue No. 1 the 2nd Party—Workman is not entitled for any relief.

11. Reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 24 सितम्बर, 2001

का.अ. 2775.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी. सी. एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय गोदावरी खानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-2001 प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th September, 2001

S.O. 2775.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman,

which was received by the Central Government on 21-9-2001.

[No. L-22025/25/2001-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-cum-Presiding Officer.

Tuesday, the 28th day of August, 2001
Industrial Dispute No. 23 of 2000

BETWEEN

Lakkam Rajaiah, S/o Mallaiah,
Ex-Singareni Employee,
R/o Perukedu village of
Warangal District. ... Petitioner.

AND

The General Manager,
Singareni Collieries Co. Ltd.,
Ramagundam Area-I,
Godavarikhani. ... Respondent.

This petition coming before me for final hearing in the presence of Sri P. Vishweswar Rao and Sri V. Venkateshwar, Advocates for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondent and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P. Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was working as Shot Firer in the respondent company. He was removed from the service in the year, 1980.

The present petition was filed on 15-2-2000 questioning his removal.

2. Respondent filed counter stating that the petitioner participated in an illegal strike. Chargesheet was issued against him. The petitioner submitted explanation to the charge-sheet. Domestic enquiry was conducted. The petitioner participated in the enquiry. He was removed from the service on 26-9-80.

The petitioner filed mercy petition on 30-10-80. The petitioner was re-instated into service on 3-12-80. but again removed from the service w.e.f. 21-12-80.

3. Ex. M-1 to Ex. M-5 are marked.

4. Heard both sides.

5. The point for consideration is whether the petitioner can be re-instated into service?

6. Point.—The petitioner was removed from the service in the year, 1980.

The petitioner kept quiet for about 20 years and then, filed the present petition questioning his removal from the service.

Though there is no bar for filing petition U/s. 2-A(2) questioning removal of a workman from the service, it is not in the interest of the Industry to re-instate the workman irrespective of his laches and delay in filing the petition U/s. 2 A(2) of the Industrial Disputes Act.

7. In *Rajendra Singh Gehlot Vs. Union of India* 2000-LLR Page No. 374 Rajasthan High Court, it was held that undoubtedly there is no limitation provided for making an application for reference, but it is settled proposition of law that where no limitation is provided, the aggrieved party may approach the authority, Tribunal or Court within the reasonable period (vide *State of Gujarat Vs. Patel Raghavanath* AIR—1969 Supreme Court Page 1297 and *Mohd. Kavl Mohammed Ameen Vs. Fathima Begum Ibrahim* 1977 (6) Supreme Court cases Page 71).

It was further held that public policy manifested in Industrial Legislation is to achieve the aim of justice and to maintain peace. Long Dormant Claims have often more of cruelty than of justice in themselves. A legal remedy cannot be kept alive for unreasonable period even if the statute does not provide any limitation (vide *a Court Vs. Cross* (1925) 130 E.R., 540, *N. Balakrishna Vs. M. Krishna Murthy* (1998) 7 Supreme Court cases Page No. 123).

8. In *Nedungadi Bank Ltd. Vs. K. P. Madhavan Kutti* AIR 2000 Supreme Court page No. 839, it was held that Law does not prescribe any time limit for the appropriate Government to exercise its power U/s. 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after lapse of about seven years of order of dismissing the respondent from the service.

9. In *MGMT of IISCO Ltd. Vs. P. Singh* 2000-II LLJ Page No. 653 Supreme Court of India held that whether relief can be declined on the ground of delay and laches, depends upon the facts and circumstances of each case. In this case, claim was made almost after a period of 13 years without any reasonable or justifying ground and there was nothing on record to explain the delay.

10. In the present case, the petitioner participated in an illegal strike and he was removed from the service 20 years back. The petitioner was late by 20 years in filing the present petition. This Tribunal is not expected to revive disputes which were settled long back. Reviving disputes after a long time itself leads to Industrial un-rest.

I, therefore, consider that the petitioner cannot be re-instated into service. Hence, I answer the point accordingly.

In the result, this petition is dismissed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 28th day of August, 2001.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses examined :

For workman—Nil.

For Management : Nil.

Exhibits

For workman—Nil.

For Management :

Ex. M-1 dt. 26-9-80—Dismissal order.

Ex. M-2 dt. 30-10-80—Mercy petition.

Ex. M-3 dt. 3-11-80—Lr. issued to the petitioner by General Manager, Godavarikhani.

Ex. M-4 dt. 3/4-12-80—Office order.

Ex. M-5 dt. 19-12-80—Termination letter of petitioner.

